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HEARING
BEFORE THE
PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
FIRST SESSION
PURSUANT TO
S. Res. 40

PART 7

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ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

THURSDAY, DECEMBER 17, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
New York, N. Y.

The subcommittee met (pursuant to S. Res. 40, agreed to January 30, 1953) at 10:30 a. m. in room 110, United States Courthouse, Foley Square, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; and Daniel G. Buckley, assistant counsel.

The CHAIRMAN. The committee will come to order.

Mr. Louis Kaplan?

Mr. STAVITS. May we have the lights turned off? We don't care to be on television, sir.

The CHAIRMAN. Will you turn the lights off the witness?

In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KAPLAN. I do.

TESTIMONY OF LOUIS KAPLAN, ACCOMPANIED BY HIS ATTORNEY, MORTON STAVITS, NEW YORK

The CHAIRMAN. Will you give your name to the reporter?

Mr. KAPLAN. Louis Kaplan.

The CHAIRMAN. K-a-p-l-a-n?

Mr. KAPLAN. Right.

The CHAIRMAN. Will you identify counsel for the record?

Mr. STAVITS. Morton Stavits, S-t-a-v-i-t-s, 744 Broad Street, New York.

The CHAIRMAN. Mr. Kaplan, where are you working now?

Mr. KAPLAN. At the present moment I am selling eggs.

The CHAIRMAN. And will you give us your address, please, Mr. Kaplan?

Mr. KAPLAN. 120 Taylor Avenue, Neptune, N. J.

The CHAIRMAN. And how long since you worked on any Government project?

Mr. KAPLAN. About six and a half years or so.

The CHAIRMAN. And where were you working then?

Mr. KAPLAN. I was working at the Standards Agency at Eatontown, N. J.

The CHAIRMAN. And what type of work, Government work, did Standards Agency do?

Mr. KAPLAN. Mostly standardization of materials, and the nature of my work was the standardization of plastic materials.

The CHAIRMAN. Did you ever work at Fort Monmouth?

Mr. KAPLAN. At the fort proper? No.

The CHAIRMAN. Did you work in any of the Signal Corps laboratories?

Mr. KAPLAN. Well, for a while I was stationed in Philadelphia, and then out at Dayton, Ohio, a very short period of time.

The CHAIRMAN. And you have heard of the Shore Club, have you? (The witness conferred with his counsel.)

Mr. KAPLAN. Senator, can you tell me what you mean by the Shore Club?

(The witness conferred with his counsel.)

The CHAIRMAN. Do you know what the Shore Club is?

Mr. KAPLAN. Can you tell me what you mean by the Shore Club?

(The witness conferred with his counsel.)

The CHAIRMAN. Did you help organize the Shore Club?

(The witness conferred with his counsel.)

Mr. KAPLAN. As a matter of fact, there probably is a swimming club down there by the name of the Shore Club, Senator.

The CHAIRMAN. We will identify it for you a little better. Did you not help organize the Shore Club, which is a cell of the Communist Party, organized for the purpose of infiltrating the Signal Corps laboratories with Communists for the purpose of conducting espionage? Does that refresh your recollection?

(The witness conferred with his counsel.)

Mr. KAPLAN. Senator, there seems to be two parts of that question, the latter part in relation to espionage. As I stated at a closed session, I never engaged in espionage of any nature whatsoever.

The CHAIRMAN. What was the purpose of the organization of the Shore Club?

(The witness conferred with his counsel.)

The CHAIRMAN. I am referring not to a swimming club but to the Communist club.

Mr. KAPLAN. I refuse to answer that on the privilege granted me by the fifth amendment, the reason—

The CHAIRMAN. Go ahead.

Mr. KAPLAN. For the reason that an answer might tend to incriminate.

The CHAIRMAN. Was it organized for the purpose of infiltrating the Signal Corps laboratories with Communists for the purpose of conducting espionage?

(The witness conferred with his counsel.)

Mr. KAPLAN. Senator, I have already indicated I have never engaged in espionage.

The CHAIRMAN. Answer the question.

Mr. KAPLAN. Can we have the question again?

The CHAIRMAN. You may.

(The reporter read from his notes as requested.)

Mr. STAVITS. May we have it slowly?

The CHAIRMAN. You may.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. KAPLAN. Senator, if you mean by that if I have ever engaged in espionage and organized anything for espionage, I have already indicated that the answer is no.

The CHAIRMAN. Answer the question.

Mr. KAPLAN. Well——

Mr. STAVITS. Can we have that question again?

The CHAIRMAN. You may have it again.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. KAPLAN. Senator, in relation to the question, if it has anything to do whatsoever with discussion of the Communist Party or a Communist club, I refuse to answer that part on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer the question.

(The witness conferred with his counsel.)

Mr. KAPLAN. In relation to any aspect of the question with respect to espionage, I have already indicated my answer.

The CHAIRMAN. You are ordered to answer the question.

(The witness conferred with his counsel.)

Mr. KAPLAN. My attorney advises me that I have answered the question.

The CHAIRMAN. The Chair is advising you to answer the question.

Mr. STAVITS. May we have the question read again?

The CHAIRMAN. You may have it read as often as you like.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. KAPLAN. If the question is related to the point of organizing a Communist club, I refuse to answer that part on the basis of the fifth amendment. If the question is relating to the question of espionage, I have already indicated that I never committed any espionage.

The CHAIRMAN. Are you refusing to answer the question? The question was, Did you help to organize a club which was organized for the purpose of infiltrating Fort Monmouth labs with Communists for the purpose of committing espionage?

(The witness conferred with his counsel.)

The CHAIRMAN. You have waived the fifth amendment insofar as the espionage field is concerned. Therefore you are ordered to answer the question of whether or not this club was organized for the purpose of committing espionage.

Mr. STAVITS. That wasn't the question that you asked before, Senator.

The CHAIRMAN. We will not hear from counsel.

Mr. STAVITS. You changed the question now.

The CHAIRMAN. If you want to be heard, you will stand up and be sworn.

Mr. KAPLAN. The question is, Was it organized for the——

(The witness conferred with his counsel.)

Mr. KAPLAN. Can we get the question again, please?

The CHAIRMAN. Will the reporter read the question again? You are ordered to answer it.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. KAPLAN. That, Senator, is not the same question you just posed to me.

The CHAIRMAN. Answer the question as read to you.

(The witness conferred with his counsel.)

Mr. KAPLAN. In my opinion, Senator, I have answered the question.

The CHAIRMAN. Proceed.

Mr. KAPLAN. In my opinion, Senator, I have answered the question.

The CHAIRMAN. You refuse to answer whether or not this was organized for the purpose of infiltrating Fort Monmouth with Communists so as to commit espionage?

(The witness conferred with his counsel.)

The CHAIRMAN. You refuse to answer that question?

Mr. KAPLAN. I have answered that question, indicating that I never organized anything for the purpose of espionage. That is the main nature of the question, the way I get it.

The CHAIRMAN. Did you help organize the Shore Club?

(The witness conferred with his counsel.)

Mr. KAPLAN. I refuse to answer that on the ground of the fifth amendment.

The CHAIRMAN. What was the purpose of the organization of the Shore Club?

Mr. KAPLAN. I refuse to answer that. Fifth.

The CHAIRMAN. We will restate the question. Was it organized for the purpose of committing espionage in the radar laboratories?

(The witness conferred with his counsel.)

Mr. KAPLAN. I believe my answer that I stated before, that I never at any time have committed any espionage, including the organization of anything, fully covers the answer to that question.

The CHAIRMAN. You are ordered to answer the question.

(The witness conferred with his counsel.)

Mr. STAVITS. May we have the question read?

The CHAIRMAN. You may have the question read.

(The reporter read from his notes as requested.)

The CHAIRMAN. Will the reporter have the record show whenever counsel writes out the answer for the witness?

Mr. STAVITS. Will the Senator please read this and please see that it is not the answer to the question?

The CHAIRMAN. Will the attorney please sit down?

Mr. STAVITS. I resent your suggestion that I am writing out an answer. This happens to be the question.

May I have the question read again because of this interruption.

The CHAIRMAN. You may have the question read back again.

(The reporter read from his notes as requested.)

Mr. STAVITS. What does "it" refer to?

The CHAIRMAN. Do you understand the question?

Mr. KAPLAN. I would like to be specific about the "it," Senator.

The CHAIRMAN. The Shore Club.

(The witness conferred with his counsel.)

Mr. KAPLAN. Senator, I have already indicated that I have never organized any group or club for the purpose of espionage, and if that is the intent of the question then the answer to that question is no.

The CHAIRMAN. You say that it was not organized for the purpose of committing espionage at Fort Monmouth?

(The witness conferred with his counsel.)

Mr. KAPLAN. The answer which I gave just prior to your last question is the answer I am offering.

The CHAIRMAN. I would like to understand whether you are testifying under oath that the Shore Club was not organized for the purpose of committing espionage. Let us make that clear so that you cannot claim at any future proceeding that your answer was to some other question.

Mr. STAVITS. May we have that read again?

The CHAIRMAN. You may have it read.

Let me rephrase it so that there will be no question.

Was the Shore Club organized for the purpose, for the dual purpose, of infiltrating the Signal Corps laboratories with Communists and for the purpose of committing espionage in those laboratories?

(The witness conferred with his counsel.)

Mr. KAPLAN. In my opinion, Senator, I have answered that question.

The CHAIRMAN. You are ordered to answer it.

Mr. KAPLAN. I beg your pardon?

The CHAIRMAN. You are ordered to answer the question.

(The witness conferred with his counsel.)

Mr. KAPLAN. I believe I have answered that question three or four times.

The CHAIRMAN. You are ordered to answer the question.

(The witness conferred with his counsel.)

Mr. KAPLAN. To whatever extent the question deals with Communists or the Shore Club of the Communist Party, I refuse to answer on the basis of the fifth. To whatever extent the question deals with espionage, I have never committed or organized anything for any espionage of any nature.

The CHAIRMAN. The record will show that the witness has been ordered to answer this question a great number of times and given the opportunity and refuses to do so.

You said, I believe, unless I misunderstood you, that you hadn't worked for the Government for about 8½ years?

Mr. KAPLAN. I didn't say. I worked for the Government about 5 years.

The CHAIRMAN. Did I understand that you did or did not work for the Signal Corps laboratories?

Mr. KAPLAN. I was working for the Standards Agency, which was a branch of the Signal Corps and not stationed at the fort proper. It is probably considered part of the Signal Corps.

The CHAIRMAN. In other words, from 1943 to 1947, you were working on Signal Corps work, is that correct?

Mr. KAPLAN. From 1943 to 1947 I was working on materials and the standardization of materials, mostly with plastic materials.

The CHAIRMAN. Was that Signal Corps work?

Mr. KAPLAN. Yes.

The CHAIRMAN. I note the Army gives your address here as Fort Monmouth, N. J. Was that your address?

Mr. KAPLAN. You mean where I lived?

The CHAIRMAN. The location of your assignment, Fort Monmouth, N. J.

Mr. KAPLAN. That is the general area.

The CHAIRMAN. So you were at Fort Monmouth, in that general area?

Mr. KAPLAN. I was working at the Standards Agency, which was outside the fort gates.

The CHAIRMAN. At the time you were doing this work, were you a member of the Communist conspiracy?

(The witness conferred with his counsel.)

Mr. KAPLAN. I refuse to answer any questions in relation to the Communist Party on the privilege afforded me by the fifth amendment.

The CHAIRMAN. Are you a member of the Communist conspiracy as of this moment?

Mr. KAPLAN. I have already indicated I refuse to answer any question in relation to the Communist Party on the ground of the fifth amendment.

The CHAIRMAN. You will have to refuse or answer each question. You are not entitled to any blanket refusal before this committee.

Mr. KAPLAN. I refuse to answer any question in relation to the Communist Party on the grounds that an answer might tend to incriminate me.

The CHAIRMAN. Did you ever discuss any classified work with members of the Communist Party?

Mr. KAPLAN. As I understand—

(The witness conferred with his counsel.)

Mr. KAPLAN. As I answered at the closed hearing, I never discussed any classified work with anyone unless they were authorized to be part of the discussion.

The CHAIRMAN. Well, your idea of being authorized might be different from ours. You perhaps would think that your superior in the Communist Party would be authorized to get the information.

Mr. KAPLAN. By whom, the Government?

The CHAIRMAN. So, will you answer without any qualification?

The question is, Did you ever discuss any classified work with any member of the Communist Party, regardless of whether you thought they were authorized to get the information or not?

(The witness conferred with his counsel.)

Mr. KAPLAN. You mean, Senator, authorized by the Signal Corps? I mean, that is what I mean, too.

The CHAIRMAN. I asked you a simple question. Did you ever discuss any classified work with any members of the Communist Party?

(The witness conferred with his counsel.)

The CHAIRMAN. Is Mr. Hyman here?

(There was not no response.)

Mr. KAPLAN. Senator, I never discussed any classified work with anybody unless they were authorized by the Signal Corps. As to the relationship of their party, if they were authorized by Signal Corps, I had no knowledge of that.

The CHAIRMAN. Answer the question.

Mr. STAVITS. May we have the question again?

(The reporter read from his notes as requested.)

The CHAIRMAN. The witness will step aside. He will have a chance to study these questions and consult with his lawyer. You will not leave the building. You are under subpoena and will be available when called. Do you understand that, Mr. Kaplan?

Mr. KAPLAN. Yes.

The CHAIRMAN. You understand that you will be under subpoena and will be here available in this room.

Mr. COHN. Mr. Heyman, please.

Mr. ATKINS. Will you turn the lights off?

The CHAIRMAN. Turn the lights off the witness.

Mr. Heyman, will you stand and raise your right hand?

In this matter now in hearing before this committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HEYMAN. I do.

**TESTIMONY OF EZEKIEL HEYMAN, ACCOMPANIED BY HIS COUNSEL,
MICHAEL B. ATKINS, NEW YORK**

The CHAIRMAN. I may say for the benefit of the press who are covering this, we have been referring to a Mr. Hyman. That is not the same man as the Mr. Heyman on the stand.

How do you spell your name?

Mr. HEYMAN. H-e-y-m-a-n.

Mr. COHN. What is your first name?

Mr. HEYMAN. Ezekiel.

Mr. COHN. Where do you reside?

Mr. HEYMAN. 255-22 74th Avenue, Queens, N. Y.

Mr. COHN. Have you ever been employed at the Federal Telecommunications Laboratory?

Mr. HEYMAN. I have.

Mr. COHN. And when?

Mr. HEYMAN. Roughly between the period of 1943 and 1947.

Mr. COHN. Did you work on any Government work when you were there?

Mr. HEYMAN. I did.

Mr. COHN. Army Signal Corps work?

Mr. HEYMAN. Yes, sir.

Mr. COHN. Of a classified nature?

Mr. HEYMAN. Yes, sir.

Mr. COHN. What was your clearance? Was your clearance secret?

Is that correct?

Mr. HEYMAN. I honestly don't know, sir. I imagine so.

Mr. COHN. The record indicates Mr. Heyman's clearance was through secret.

When you were working on classified Army Signal Corps work at this laboratory, were you a member of the Communist Party?

Mr. HEYMAN. I refuse to answer that question.

Mr. COHN. On what ground, sir?

Mr. HEYMAN. On the grounds under my privilege under the fifth amendment that I may not be a witness against myself.

Mr. COHN. Are you a member of the Communist Party today?

Mr. HEYMAN. I refuse to answer that question under the same grounds.

Mr. COHN. While you were working on classified material for the Army Signal Corps at this laboratory, were you attending Communist Party meetings?

Mr. HEYMAN. I refuse to answer that question on the same grounds.

Mr. COHN. Were you attending Communist Party meetings with fellow employees at this laboratory?

Mr. HEYMAN. I refuse to answer that question on the same grounds.

The CHAIRMAN. Would you give the grounds for your refusal each time, please?

Mr. HEYMAN. I refuse to answer under my privilege under the fifth amendment which says that I may not be forced to be a witness against myself.

Mr. COHN. I have nothing further.

The CHAIRMAN. You will consider yourself under continuing subpoena. You will be notified when you are wanted.

Is Mr. Hyman in the room now?

(There was no response.)

The CHAIRMAN. Mr. Hyman was before the committee the other day, Harry Hyman, and objected strenuously and loudly because there was no positive testimony in regard to his activities. Today we have a number of witnesses who will testify positively as to his Communist activities. We told Mr. Hyman to be here so that he can deny that testimony if he feels it is untrue. His attorney advises me that he is parking his Cadillac now. It will take 5 or 10 minutes, so we will take a recess of 10 minutes.

Will that be sufficient, Mr. Boudin?

Mr. BOUDIN. It depends upon how large a Cadillac is.

The CHAIRMAN. We will give you 10 minutes.

(Brief recess.)

The CHAIRMAN. The committee will come to order.

Mr. Saunders?

You have been previously sworn, Mr. Saunders, and you are reminded that your oath is still in effect.

Mr. DIAMOND. May we have the lights turned off?

The CHAIRMAN. Certainly.

TESTIMONY OF JOHN SAUNDERS, ACCOMPANIED BY HIS ATTORNEY, BERT DIAMOND, INTERNATIONAL UNION OF ELECTRICAL, RADIO, AND MACHINE WORKERS, CIO, WASHINGTON, D. C.

The CHAIRMAN. May I say to counsel that we do not propose, since we do not have the time, to discuss any of Mr. Saunders' own activities. He is here this morning only to give us the testimony which he gave in executive session on Mr. Hyman. Mr. Hyman is here and will have a chance to deny that testimony if he cares to.

Mr. COHN. I wanted the record to note, of course, that the witness is here pursuant to subpoena.

Mr. DIAMOND. He is.

Mr. COHN. Can we have your full name, please?

Mr. SAUNDERS. John Saunders.

Mr. COHN. S-a-u-n-d-e-r-s?

Mr. SAUNDERS. That is right.

Mr. COHN. Where do you reside?

Mr. SAUNDERS. 70 East Seventh Street.

Mr. COHN. Where are you employed?

Mr. SAUNDERS. Federal Telecommunications Lab.

Mr. COHN. For how long a period of time have you been working there?

Mr. SAUNDERS. Since 1945.

Mr. COHN. While working at the Federal Telecommunications Laboratory, did you meet a man named Harry Hyman?

Mr. SAUNDERS. I did.

Mr. COHN. And you know Mr. Hyman; is that correct?

Mr. SAUNDERS. That is right.

Mr. COHN. Did Mr. Hyman ever ask you to join the Communist party?

Mr. SAUNDERS. He did at one time.

Mr. COHN. When was that?

Mr. SAUNDERS. It was before a union meeting after I had been in the labs for about a year or two.

The CHAIRMAN. Will you try and speak up a little louder?

Mr. SAUNDERS. It was either before or after a union meeting, I am not sure, after I had been in the labs for about a year or two.

Mr. COHN. That would make it about 1946 or 1947?

Mr. SAUNDERS. 1946 or 1947.

Mr. COHN. In connection with Hyman's attempt to recruit you into the Communist Party, did he give you any documents?

Mr. SAUNDERS. He gave me a card.

Mr. COHN. Did he actually issue you, to you, a party card?

Mr. SAUNDERS. That is right.

Mr. COHN. And what did you do with that card?

Mr. SAUNDERS. I held on to it for a while and then later on I destroyed it.

Mr. COHN. Did Hyman continue working at the Federal Telecommunications Laboratory for a considerable period of time after that?

Mr. SAUNDERS. Yes, quite a while after that. I don't remember when it was that he left, but it was either around the fifties or before the fifties, sir.

Mr. COHN. I have nothing further.

The CHAIRMAN. Thank you very much, Mr. Saunders.

Mr. COHN. Mr. De Luca, please.

The CHAIRMAN. You are reminded, Mr. De Luca, that you have been sworn and your oath is still in effect. Will you turn the lights off the witness?

Mr. DIAMOND. Did you have the record show, Counsel, that this witness is also here under subpoena?

Mr. COHN. I think it is safe to say that every one of your clients here this morning is here pursuant to subpoena; is that correct?

Mr. DIAMOND. Yes.

**TESTIMONY OF JOHN A. DE LUCA, ACCOMPANIED BY HIS COUNSEL,
BERT DIAMOND, INTERNATIONAL UNION OF ELECTRICAL, RADIO,
AND MACHINE WORKERS, CIO, WASHINGTON, D. C.**

Mr. COHN. Will you give us your full name?

Mr. DE LUCA. John Anthony De Luca.

Mr. COHN. How is your last name spelled?

Mr. DE LUCA. D-e L-u-c-a.

Mr. COHN. Where do you reside, Mr. De Luca?

Mr. DE LUCA. Fairlawn, 4-03 30th Street, Fairlawn.

Mr. COHN. Where are you employed?

Mr. DE LUCA. Federal Telecommunications Laboratories.

Mr. COHN. And for how long a period of time have you been employed there?

Mr. DE LUCA. July of 1943.

Mr. COHN. And do you have access to classified material there?

Mr. DE LUCA. Well, I am a machinist.

Mr. COHN. I say have you had access to confidential, restricted, secret?

Mr. DE LUCA. Only confidential occasionally.

Mr. COHN. Confidential?

Mr. DE LUCA. Occasionally.

Mr. COHN. Mr. De Luca, while working at the Federal Telecommunications Laboratory, did you know a man named Harry Hyman?

Mr. DE LUCA. Yes.

Mr. COHN. And did Mr. Hyman ever ask you to join the Communist Party?

Mr. DE LUCA. Yes.

Mr. COHN. About when was that?

The CHAIRMAN. I wonder if you would try and speak a little louder, sir. It is hard to hear.

Mr. DE LUCA. I would say roughly 1948.

The CHAIRMAN. Mr. De Luca, will you wait a moment, sir?

Mr. Hyman, will you stand up?

Mr. De Luca, will you look and see if this is the Hyman who asked you to join the Communist Party?

Mr. Hyman, will you stand up?

Is this the same Mr. Hyman?

Mr. DE LUCA. Yes.

The CHAIRMAN. Is Mr. Saunders still here in the room?

Mr. Hyman, will you stand up again?

Mr. Saunders, you referred to Harry Hyman who asked you to join the Communist Party. Is this the Harry Hyman?

Mr. SAUNDERS. Yes.

The CHAIRMAN. Thank you.

Mr. COHN. Would you say it was general knowledge around the plant that Harry Hyman was a Communist, Mr. De Luca?

Mr. DE LUCA. Yes.

Mr. COHN. That was pretty well known. And after that was pretty well known, did he nevertheless continue to work there for some period of time?

Mr. DE LUCA. Yes.

Mr. COHN. I have nothing further of this witness.

The CHAIRMAN. Thank you very much.

Mr. COHN. Mr. Ackerman?

The CHAIRMAN. I wish you would not turn the lights in the witness' eyes.

Mr. Ackerman, you have been sworn and you are reminded that your oath is still in effect.

Mr. ACKERMAN. Yes, sir.

TESTIMONY OF LESTER ACKERMAN

The CHAIRMAN. Mr. Cohn?

Mr. COHN. May we have your full name, please?

Mr. ACKERMAN. Lester Ackerman.

Mr. COHN. A-c-k-e-r-m-a-n?

Mr. ACKERMAN. That is correct, sir.

Mr. COHN. Where do you reside?

Mr. ACKERMAN. 910 Gerard Avenue, Bronx, N. Y.

Mr. COHN. Where are you employed?

Mr. ACKERMAN. Federal Telecommunications Laboratories, Rye Lake, N. Y.

Mr. COHN. For how long a period of time have you been employed at the Federal Telecommunications Laboratory?

Mr. ACKERMAN. January 10 will be 10 years, sir.

Mr. COHN. While working at the Federal Telecommunications Laboratory, did you have occasion to come in contact with a man named Harry Hyman?

Mr. ACKERMAN. Yes, sir.

Mr. COHN. Can you tell the committee whether or not Harry Hyman was a Communist?

Mr. ACKERMAN. It was a known fact throughout the plant that Harry Hyman was connected with the Communist Party.

Mr. COHN. Well, now, outside of the fact that it was a known fact around the plant, did you ever hear Hyman make any statement from which you concluded that Harry Hyman was connected with the Communist Party?

Mr. ACKERMAN. I have heard Harry Hyman mention that he was with the Communist Party.

Mr. COHN. About when would you say you heard him mention that?

Mr. ACKERMAN. Well, it is hard to give a definite date. It was on occasion where we might have been to a meeting or it might have been in the plant itself. But a definite date, an exact date, rather, I cannot give you.

Mr. COHN. Do you have a specific recollection of hearing Hyman say that he was connected with the Communist Party?

Mr. ACKERMAN. Yes, sir.

The CHAIRMAN. Mr. Hyman, will you stand up again so the witness can see you?

Mr. BOUDIN. May I ask how many more of these confrontation scenes we are going to have? This witness is here under subpoena—Mr. Hyman—to testify, not to be an exhibit. I don't mind conveniencing the Chair if we are told this isn't going to continue all morning.

The CHAIRMAN. Mr. Boudin, if you want to concede this is the Harry Hyman referred to by all these witnesses, he will not have to stand up. I may say one of the reasons why the witnesses were called was because Mr. Hyman, when he was here the other day, very loudly, very vigorously, protested because he was being questioned whether he was a Communist, and he said "there is no positive evidence that I am."

I thought in view of the fact that he wanted this positive evidence we should take a half hour and give him that evidence.

Mr. BOUDIN. I haven't heard any evidence of espionage. Do you intend to produce any?

The CHAIRMAN. Do you want to testify?

Mr. BOUDIN. I am asking a question.

The CHAIRMAN. If you do not want to testify, sit down.

Mr. BOUDIN. Is there anything else you want?

The CHAIRMAN. Yes.

Mr. BOUDIN. We will wait and have him testify.

The CHAIRMAN. Mr. Boudin, do I understand that you do not question the fact that the Harry Hyman these witnesses are talking about is the Harry Hyman—

Mr. BOUDIN. I am not making any statements. I am here because you asked me to produce a witness. Mr. Hyman is sitting next to me, and if the witness wants to point him out, he can. He is here as a witness.

Mr. COHN. That is the Harry Hyman to which you are referring?

Mr. ACKERMAN. Yes, sir.

Mr. COHN. You heard him state that he was with the Communist Party?

Mr. ACKERMAN. That is right.

Mr. COHN. I have nothing further, sir.

The CHAIRMAN. Thank you very much.

Mr. COHN. Mr. Morris, please.

The CHAIRMAN. You are reminded you have been sworn, Mr. Morris. Your oath is still in effect.

Mr. MORRIS. Yes, sir.

TESTIMONY OF SAM MORRIS, ACCOMPANIED BY HIS COUNSEL, BERT DIAMOND, INTERNATIONAL UNION OF ELECTRICAL, RADIO, AND MACHINE WORKERS, CIO, WASHINGTON, D. C.

Mr. COHN. What is your name?

Mr. MORRIS. Sam Morris.

Mr. COHN. Where are you employed?

Mr. MORRIS. Federal Telecommunications Laboratories, Bellville plant.

Mr. COHN. For how long a period of time have you been working there?

Mr. MORRIS. January will be 10 years.

Mr. COHN. And while you were working at the Federal Telecommunications Laboratory—you say you have been there for 10 years?

Mr. MORRIS. In January.

Mr. COHN. While you were working at the Federal Telecommunications Laboratory, did you know a man named Harry Hyman?

Mr. MORRIS. I did.

Mr. COHN. Did you know he was a Communist? Was that common knowledge?

Mr. MORRIS. I heard him say so.

Mr. COHN. Have you seen Mr. Hyman here this morning?

Mr. MORRIS. Yes, sir.

Mr. COHN. And is that the Harry Hyman you heard refer to himself as a Communist [indicating]?

Mr. MORRIS. Yes, sir.

The CHAIRMAN. I hate to repeat this, but will the cameramen observe the rule? I don't want any flash pictures taken after the witness starts to testify. After one takes a flash picture, the others do the same.

Mr. COHN. I have nothing further.

I didn't ask your address.

Mr. MORRIS. 90 Martha Avenue, Clifton, N. J.

The CHAIRMAN. I have just one question. Was it such general knowledge around the plant that he was a Communist that at the time certainly the security officers and everyone else knew that Hyman was a Communist?

Mr. MORRIS. Well, I wouldn't know how many people know.

The CHAIRMAN. Was it general knowledge around the plant?

Mr. MORRIS. I would say so, among people at work, the working people. I don't know about the security officer.

The CHAIRMAN. Thank you.

There are a number of other witnesses who will testify substantially the same as the last four, but I think there is nothing gained by repetition.

Mr. Hyman, will you take the stand?

Mr. Hyman, you are reminded that you have been sworn previously, and the oath is still in effect. You understand that, do you?

Mr. HYMAN. Yes, I do.

TESTIMONY OF HARRY HYMAN, ACCOMPANIED BY HIS COUNSEL, LEONARD B. BOUDIN, NEW YORK, N. Y.

Mr. BOUDIN. Senator, could we have those lights moved a little more toward the Chair?

The CHAIRMAN. Will you turn the lights off Mr. Boudin?

Mr. BOUDIN. Thank you.

Mr. COHN. Mr. Hyman, you heard the testimony of Mr. Saunders first of all here, did you not?

Mr. HYMAN. I would like to make a statement first, before I answer any questions.

Mr. COHN. Is the statement addressed to the jurisdiction of the committee?

Mr. HYMAN. Yes, it is.

The CHAIRMAN. You can make it.

Mr. HYMAN. I decline to answer any questions on the subject of crime, that is a grand jury matter outside the committee's jurisdiction, no charges have ever been made against me in accordance with the constitutional procedure, since I have not committed any crime, including espionage, and this committee cannot constitutionally make an investigation of criminal charges.

I further decline to answer any questions because the present duplicating hearing is obviously for a political not a legislative purpose, since it follows two previous hearings in which I declined to answer similar questions on statutory and constitutional grounds.

I further contest the jurisdiction of the committee which is limited under the standing rules of the Senate, rule 20, to the economy and efficiency of Government operations.

I contest the jurisdiction of the committee and decline to answer its questions on the ground that no person is required under the Con-

stitution to be a witness against himself, amendment 5, and is entitled, if such evidence exists, to be confronted with the evidence before response to charges, amendment 6.

The CHAIRMAN. Mr. Hyman, I note you say it is the function of the grand jury and not this committee to investigate crime. If we transfer this matter over to the grand jury, will you tell the grand jury whether or not you are an espionage agent, the extent of your espionage activities, the extent of your Communist activities?

(The witness conferred with his counsel.)

The CHAIRMAN. If so, we will be glad to transfer your case over to the grand jury.

Mr. HYMAN. As I understand, 'his committee has no authority to transfer anything.

The CHAIRMAN. Oh, yes. We can refer it to the grand jury. Now, let us assume that we can. Will you testify before the grand jury and answer the questions that you refuse to answer before this committee?

(The witness conferred with his counsel.)

Mr. HYMAN. My conduct at that time will be determined at that time.

The CHAIRMAN. Would you be willing to give the FBI—

Mr. BOUDIN. I didn't mean to interrupt you, but I would like to have the cameras stop going in accordance with your instructions.

The CHAIRMAN. The cameras will not be turned on the witness.

How about counsel? Does counsel object?

Mr. BOUDIN. Only counsel to the committee should have his picture taken.

The CHAIRMAN. No pictures will be taken of either Mr. Boudin or his client. That includes motion pictures as well as still pictures.

Mr. BOUDIN. I didn't mean to interrupt you, Senator.

The CHAIRMAN. That is all right.

Mr. Hyman, would you be willing to give the FBI the information which you do have about espionage and communism in this country?

(The witness conferred with his counsel.)

Mr. HYMAN. My answer is the same as the previous question.

The CHAIRMAN. What is that answer?

Mr. HYMAN. That my conduct at that time will be determined at that time.

The CHAIRMAN. We have introduced into the record, I do not recall how many, roughly four or five or six hundred long-distance phone calls that you have made to secret installations, the radar laboratories at Fort Monmouth and other installations having to do with secret Government work.

Did any of those phone calls have to do with espionage?

(The witness conferred with his counsel.)

Mr. BOUDIN. Will you excuse me a moment?

The CHAIRMAN. Certainly.

(The witness conferred with his counsel.)

The CHAIRMAN. While Mr. Hyman is conferring with counsel, may I say that I think Mr. Hyman is exhibit No. 1 in the argument as to why Attorney General Brownell's proposal should be adopted, that is, his proposal to legalize wiretapping evidence in cases of espionage.

(The witness conferred with his counsel.)

Mr. BOUDIN. Could I have the question repeated, please?

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. HYMAN. I previously answered that question in my opening statement. But since the Senator made a remark about my being exhibit No. 1, I think you are exhibit No. 1 of fascism coming to the United States.

The CHAIRMAN. Now, will you answer the question?

Mr. HYMAN. I decline to answer on the grounds previously stated in my statement. Do you want me to read the statement?

The CHAIRMAN. You have read the statement. Is one of the grounds that portion of the fifth amendment which provides that no man need be a witness against himself if he feels his evidence might tend to incriminate him?

Mr. HYMAN. My ground is the entire statement. I will read it over again, if you please.

The CHAIRMAN. No; we will not hear it. Do you feel that if you were to answer, the answer might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. HYMAN. I rest on the entire statement I made, including the portion on the fifth amendment.

The CHAIRMAN. Do you feel that your answer might tend to incriminate you?

Mr. HYMAN. I have already made my statement.

The CHAIRMAN. We will have the record show that the witness refuses to tell the Chair whether or not he feels his answer might tend to incriminate him. Therefore, he is ordered to answer the question.

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer the question on the grounds of the privilege afforded me by the fifth amendment.

Mr. COHN. You heard Mr. Saunders' testimony here this morning, Mr. Hyman. Was Mr. Saunders telling the truth when he said you had asked him to join the Communist Party while you were working at the Federal Telecommunications Laboratory?

Mr. HYMAN. I decline to answer on the grounds previously stated.

Mr. COHN. Was Mr. Saunders telling the truth when he said that you actually issued a Communist Party card to him while you were both working at this laboratory on Government work?

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. Do you know Mr. Saunders?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the same grounds.

Mr. BOUDIN. I take it the chairman knows the grounds that are referred to. We don't have to repeat the statement?

The CHAIRMAN. I assume, and let us see if I am correct in this, that he will not tell the Chair whether or not he feels the answers would tend to incriminate him. Under the circumstances, I will ask for a contempt citation on each count. He can build up as many counts as he cares to.

Mr. HYMAN. I would like to perhaps read my statement. It seems that the Senator didn't hear it. I am declining to answer on the grounds in my statement, not on the grounds that he sets forth.

The CHAIRMAN. I will ask you again. Are you declining, among other reasons, for the reason that you are relying upon that section

of the fifth amendment which provides that no person may be a witness against himself if he feels that his testimony might tend to incriminate him?

If you are relying upon that, you can tell me. If not, of course, you are ordered to answer. A Communist and espionage agent has the right to refuse on that ground, but not on any of the other grounds you cited.

(The witness conferred with his counsel.)

Mr. HYMAN. In reference to the fifth amendment, I am relying on that section which says "no person shall be compelled in any criminal case to be a witness against himself."

The CHAIRMAN. Proceed, Mr. Cohn.

Mr. COHN. You were sitting here while Mr. De Luca testified this morning. Mr. De Luca stated that while both you and he were working at the Federal Telecommunications Laboratory, you asked Mr. De Luca to join the Communist Party. Did you?

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. By the way, do you know Mr. De Luca?

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. You heard the testimony of Mr. Morris here this morning, in which he stated that he heard you say that you were a member of the Communist Party. Did you make such a statement?

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. Do you know Mr. Morris?

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. You heard Mr. Ackerman, Mr. Lester Ackerman, testify this morning. Mr. Ackerman said he heard you state that you were connected—while you were working at the Federal Telecommunications Laboratory and while he was there—with the Communist Party. Did you make such a statement?

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. Do you know Mr. Ackerman?

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. While you were working at this laboratory doing classified Government work, how many people did you recruit into the Communist Party?

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. From how many people did you obtain classified information?

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. Are any of the persons who you recruited into the Communist Party or into Communist espionage still working at the Federal Telecommunication Laboratory?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. Are you engaged in espionage at this time?

(The witness conferred with his counsel.)

Mr. HYMAN. I have previously stated, and in my opening statement reiterated, that I have not committed any crime, including that of espionage. I reaffirm that statement now.

The CHAIRMAN. You say you never have been engaged in espionage: Is that correct?

Mr. HYMAN. I just made my statement.

The CHAIRMAN. You say you never have been engaged in espionage?

Mr. HYMAN. I have never committed any crime, including espionage.

The CHAIRMAN. Did you ever engage in a conspiracy to commit espionage?

(The witness conferred with his counsel.)

Mr. HYMAN. What does that mean, exactly?

The CHAIRMAN. Do you know what it means?

Mr. HYMAN. No, I don't.

The CHAIRMAN. I am sure Mr. Bondin knows what it means.

Mr. BOUDIN. It has such a wide meaning, Mr. Chairman. It is pretty hard for anyone to answer such a question of that scope.

The CHAIRMAN. It is a simple question.

The question is did you ever engage in a conspiracy to commit espionage?

(The witness conferred with his counsel.)

Mr. HYMAN. I don't understand the question.

Mr. COHN. You have a right to consult with counsel. Conspiracy is a term which is well defined and espionage is a term which is well defined. Mr. Boudin is an able lawyer and can certainly advise you fully of your rights in response to that question.

Mr. BOUDIN. I have told—I was responding to your flattery, Mr. Cohn.

Mr. COHN. You can consult with Mr. Boudin and then answer the question.

(The witness conferred with his counsel.)

Mr. HYMAN. Well, since you suggested my consulting my attorney, according to my attorney the laws right now indicate there are no limits to such a term as conspiracy, and it is still an impossible question to answer. Define what you are talking about.

Mr. COHN. You can't tell us whether or not you were engaged in a conspiracy to commit espionage against the United States?

Mr. HYMAN. I have already stated that I haven't committed any crime including espionage.

Mr. COHN. The Rosenbergs were not convicted of espionage. They were convicted of a conspiracy to commit espionage. I want to know if you committed that same crime. Were you engaged in a conspiracy to commit espionage?

Mr. HYMAN. Can't you define the term conspiracy for me so I will know what I am answering?

Mr. COHN. You can tell us whether or not you were engaged in a conspiracy to commit espionage. If you have any difficulty with reference to any of the words used in that question, you can consult with your counsel and give us the answer to that question. If you do not, I think you can give us a very simple answer.

(The witness conferred with his counsel.)

Mr. BOUDIN. Are you pressing the question?

The CHAIRMAN. He is ordered to answer the question.

Mr. BOUDIN. Was he? I didn't hear that.

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer the question on the grounds given before, and the fact that you haven't been able to define the term.

The CHAIRMAN. Well, let us ask another question.

Have you ever discussed the subject of espionage with any members of the Communist Party?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer that for all the reasons previously given.

The CHAIRMAN. You are ordered to answer.

Mr. HYMAN. I have already made my statement.

The CHAIRMAN. I assume you persist in your refusal?

Mr. HYMAN. I haven't refused. I have answered according to my statement. I will read the statement again, if you please.

Mr. BOUDIN. May we have the statement read so that the witness' position is completely made?

The CHAIRMAN. The witness has read that statement.

Mr. BOUDIN. You know the statement to which he refers?

Mr. COHN. Practically by heart.

The CHAIRMAN. Have you ever discussed any classified material with individuals whom you knew to be espionage agents, or individuals you had reason to believe were espionage agents?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer for the reasons given.

The CHAIRMAN. You are ordered to answer. I assume you still refuse?

Mr. HYMAN. I decline to answer any questions on the subject of crime. That is a grand jury matter outside—

Mr. COHN. The chairman has indicated that we are not going to read this lengthy statement again.

Mr. BOUDIN. There are only four paragraphs.

Mr. COHN. Four is too much. The statement is in the record, available to everybody, and Mr. Hyman's position has been clearly stated. It would be a lot simpler to say yes, no, or invoke the privilege.

Mr. BOUDIN. I think in view of the fact that you have stated that his position is clearly stated, there is no reason to read it now.

The CHAIRMAN. You are ordered to answer the question, and so that you cannot claim ignorance or entrapment at a future criminal proceeding, let me tell you why you are being ordered to answer it.

No. 1, when you stated that you never engaged in espionage, you have waived the fifth amendment insofar as the field of espionage is concerned. No. 2, when you volunteer the information that you have never committed a crime, if that is true, then you have done nothing about which you cannot testify under the fifth amendment.

You could not incriminate yourself if you never committed a crime.

For that reason, you are being ordered to answer the question.

Mr. HYMAN. The Senator seems quite inconsistent because at previous hearings I stated that I hadn't committed any crime and you accepted that and had not ordered me to answer the questions.

I am merely reiterating the same position I have taken before at two previous hearings.

The CHAIRMAN. I do not accept the fact that you haven't committed a crime.

Mr. HYMAN. I made that statement in the past.

The CHAIRMAN. But I inform you that when you say under oath you have not been guilty of any crime, when you say that you have not

committed espionage, you have no fifth amendment privilege then, you see.

Mr. HYMAN. What you are doing, then, is arbitrarily destroying the privilege of the amendment for the innocent which is what it was set up to do, and the manner in which I am using it.

The CHAIRMAN. If we get a few innocent Communists before us, it is unfortunate. Answer the question.

Mr. HYMAN. I have already stated my position.

The CHAIRMAN. Have you ever discussed classified material at a meeting of the Communist Party?

Mr. HYMAN. I decline to answer for the same grounds.

The CHAIRMAN. You are again ordered to answer. I assume you still decline?

Mr. HYMAN. I have already stated my reasons.

The CHAIRMAN. Have you ever turned Government secrets over to anyone known to you to be an espionage agent?

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. You are ordered to answer.

Mr. HYMAN. You have my statement.

(The witness conferred with his counsel.)

Mr. COHN. Mr. Chairman, I was going to indicate this for the record here, with reference to Mr. Hyman's statement that he has not committed a crime. I think the affirmative testimony of the four witnesses here this morning particularly of those two who stated that Mr. Hyman attempted to recruit them into the Communist Party, certainly constitutes very powerful evidence of violation of those parts of the Smith Act which make it a crime to be a member of the Communist Party with knowledge of its objectives and which make it a crime to organize or help to organize the Communist Party.

I think in view of that the record should be referred to the Department of Justice with a view toward presentation to a grand jury, a view toward indictment for violation of those two sections of the Smith Act.

I think we should refer the testimony of these four affirmative witnesses this morning, in addition to testimony of other witnesses who have been heard by the committee in executive session.

The CHAIRMAN. If I may, Mr. Cohn, I think you are completely right. One of the reasons why some of these cases have not been referred to the Justice Department prior to this time is that I realize the tremendous difficulty they have in presenting a clear-cut case of espionage beyond a reasonable doubt. I have been hoping that the Congress, and I think they will, will pass the law requested by Mr. Brownell to make phone-tap evidence legal in espionage and sabotage cases.

The case will, however, be referred to the Justice Department. I think you are right. I think you have a clear-cut case here of the violation of the Smith Act. You have complete proof that would convince any man that this man has engaged in espionage. Whether or not the Justice Department can prove that beyond a reasonable doubt or not, I don't know.

Now let me ask you this, Mr. Hyman.

Mr. HYMAN. You made a statement. What proof was that? I didn't see any proof or hear any proof.

The CHAIRMAN. Well, are you an espionage agent?

Mr. HYMAN. No, you made a statement.

The CHAIRMAN. Are you an espionage agent?

Mr. HYMAN. I decline to answer on the grounds already given. But you made some statement about evidence as to my espionage. I haven't heard any.

The CHAIRMAN. The best evidence is from your own mouth.

Mr. HYMAN. That isn't evidence.

The CHAIRMAN. I will not argue that with you. We will let you argue that before the grand jury.

Have you, within the last month, made phone calls to Albert Shadowitz?

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. Did you make the phone calls for the purpose of obtaining classified material which you in turn passed on to an espionage agent?

(The witness conferred with his counsel.)

Mr. HYMAN. That is a loaded question, and in addition I decline to answer on the same grounds.

The CHAIRMAN. You will be ordered to answer.

Mr. HYMAN. I have already stated my position.

The CHAIRMAN. Did you make a phone call to a Mr. Joel Levitsky within the past—did you make three different phone calls to Mr. Levitsky in March of 1953, and discuss classified material with him?

Mr. HYMAN. I decline to answer on the grounds previously stated.

The CHAIRMAN. Did you obtain classified information from Mr. Levitsky when you made these three phone calls? Did you pass that on to an individual known to you to be a Communist espionage agent?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the grounds previously stated.

The CHAIRMAN. You will be ordered to answer.

Mr. HYMAN. You already have my statement.

The CHAIRMAN. I asked you certain questions the last time you were before this committee—

Mr. HYMAN. The answer is the same.

The CHAIRMAN. At that time, however, you had not volunteered the information that you were never guilty of any crime or espionage. So the situation is different as of today.

Mr. HYMAN. That isn't so. If you will check the record, you will find I did say it. My statement was similar the last time. I said I hadn't committed any crime.

The CHAIRMAN. All right, let's assume you did, then. You will be ordered to answer the questions today, however. You were not the other day.

Did you make a phone call to the United States Government Air Rocket Test Station at Lake Denmark, Dover, N. J., in 1952?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the same grounds, on the ground that the question was asked before, and that there would be no legislative purpose served by repeating the question.

The CHAIRMAN. You understand you are ordered to answer, of course?

Mr. HYMAN. I have already given you my statement.

The CHAIRMAN. Did you make a phone call to the Navy Air Rocket Test Station for the purpose of obtaining classified material and for the purpose of turning that over to Communist agents?

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. You are ordered to answer.

Mr. HYMAN. You have my statement.

The CHAIRMAN. Did you, in 1953, make eight calls to the Department of the Air Force at Newark, N. J., for the purpose of obtaining classified material for the purpose of turning that over to espionage agents?

Mr. HYMAN. I decline to answer on the same grounds, and you have asked the question before and repeating it won't serve any legislative purpose.

The CHAIRMAN. You are ordered to answer.

Mr. HYMAN. You have my statement.

The CHAIRMAN. Did you make 40 calls between January 23, 1953, and October 13, 1953, to the Department of the Air Force Transportation Control Depot, Newark, N. J., for the purpose of getting classified Government information and material and for the purpose of turning it over to an espionage agent?

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. You are ordered to answer.

Mr. HYMAN. You have my statement.

The CHAIRMAN. Did you make 76 calls to the Federal Telecommunications Laboratory at Lodi, N. J., between January 24, 1953, and October 21, 1953, for the purpose of getting classified information and for the purpose of then turning that over to an espionage agent or agents?

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. You are ordered to answer.

Mr. HYMAN. You have my statement.

The CHAIRMAN. Did you make three calls in 1953 to the Electronic Associates, Inc., at North Caldwell, N. J., for the purpose of obtaining classified information and then turning that information over to an espionage agent or agents?

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. You are ordered to answer.

Mr. HYMAN. You have my statement.

The CHAIRMAN. Did you make 27 calls to the Allen B. DuMont Laboratories at East Patterson, N. J., between March 7, 1952, and January 12, 1953, for the purpose of obtaining classified Government material and turning that classified material over to an espionage agent or agents?

(The witness conferred with his counsel.)

Mr. BOUDIN. Could we have the question repeated?

(The reporter read from his notes as requested.)

Mr. HYMAN. I decline to answer on the same grounds, and the question has been previously asked. It is only for publicity purposes.

The CHAIRMAN. You are ordered to answer.

Mr. HYMAN. You have my statement.

The CHAIRMAN. Did you make 242 calls during the last year to the Federal Telephone & Radio Corp. at Clifton, N. J., for the purpose of obtaining classified material and turning that classified material over to an espionage agent or agents?

Mr. HYMAN. I decline to answer for the same grounds.

The CHAIRMAN. You are ordered to answer,

Mr. HYMAN. You have my statement.

The CHAIRMAN. Did you make 12 calls in the year 1953 to the Fairchild Engine & Airplane Corp., at Farmingdale, N. Y., for the purpose of obtaining classified material and then turning that material over to an espionage agent or agents?

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. You are again ordered to answer.

Mr. HYMAN. You have my statement.

(The witness conferred with his counsel.)

The CHAIRMAN. This case will be referred to the Justice Department as well as the testimony of all the witnesses who testified against him, with a recommendation that it be submitted to the grand jury for an indictment for violation of the Smith Act. The case will also be submitted to the investigating committee with a recommendation that this witness be recommended for indictment for contempt of the committee. That, of course, will come before the Senate as a whole. I assume we will have no difficulty having the entire Senate recommend the indictment of this witness for contempt on all the counts in which he is clearly in contempt of the committee. It will then be transferred to the Justice Department.

You may step down. You will consider yourself under a continuing subpoena.

Mr. BOUDIN. With respect to the subpoena—could we just have the pictures away for a moment?

The CHAIRMAN. Do not take Mr. Boudin's picture for a moment.

Mr. BOUDIN. You are asking that the witness remain subject to the subpoena?

The CHAIRMAN. I am not asking.

Mr. BOUDIN. I said directing, and I take it that it is in connection with the same investigation into whatever it is called, espionage and subversion. Yes?

The CHAIRMAN. Espionage, Communist infiltration, subversion, the entire field.

Mr. BOUDIN. I think I should state, then, for the record, so that there will be no misunderstanding, that I do not regard this investigation as a proper one.

The CHAIRMAN. I will not hear from counsel.

Mr. BOUDIN. Then I will ask that if you do wish the witness again, I think you had better subpoena him, and I would like to have sufficient time to make a motion to vacate.

The CHAIRMAN. May I say, Mr. Boudin, the order that he remain under continuing subpoena will stand. However, if you feel that in order to avail yourself of any legal rights which you think you have, that the written subpoena must be served upon him, in other words, if you feel you cannot get into court merely upon this verbal order of the chairman, we certainly will not deny you any legal right which you have, and we will be glad to serve any kind of a written subpoena which you think is necessary to give you the right to get into court.

Mr. BOUDIN. Thank you.

The CHAIRMAN. I would like at this time to thank the Federal Telecommunications Laboratory, and especially their security officer, for the wholehearted cooperation they have given us in this investigation. I realize it must be embarrassing to them to have this information made public. But despite that, they have cooperated fully.

I may say that from all the information they have, the attitude over in Federal Telecommunications is infinitely different than what it had been in the past. In the past number of years there apparently was no remote conception of security. While there was a high barbed-wire fence around the laboratories, you cannot help but get the impression that perhaps the high fence was to keep the Communists from being disturbed in their work of obtaining secrets. I do think they are doing a good job at this time, and making a very sincere attempt to clean house.

It is a very difficult job to have in view of the fact that the condition which now exists grew over a period of 20 years. I do want to thank and compliment the security officers for their attitude and their help.

The press have been asking when we will resume hearings. Next week is Christmas week, the following week New Year's. The present plans are to hold no public hearings until after the first of the year. However, there is a possibility, as counsel has pointed out, that it may be necessary to have 1 or 2 days' hearings in the meantime. I hope not. So we will adjourn the public hearings now until after the first of the year.

May I say that again, as some of the press have been asking about this. As we have announced the number of fifth amendment cases, which is now over 20, some members of the press interpreted that as meaning that all of those cases would be submitted to the Senate for contempt. That is incorrect. A man who properly invokes the fifth amendment is not in contempt of the committee. It is only in those cases where we indicated that we will ask for contempt citations that should be spoken of. I think one of the things that has been accomplished to date, with apparently a bit of blindness on the part of the Communist Party, is that they have created a situation in which their ranks will be considerably dissipated by way of contempt convictions.

We will adjourn now until further call.

(Whereupon, at 12:25 p. m., the committee was recessed, subject to call of the Chair.)



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HEARINGS
BEFORE THE
PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE

EIGHTY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

S. Res. 189

PART 8

FEBRUARY 23 AND 24, 1954

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*May be found in the files of the subcommittee.

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

TUESDAY, FEBRUARY 23, 1954

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:45 a. m., pursuant to notice, in room 318 of the Senate Office Building, Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington.

Present also: Roy M. Cohn, chief counsel; Robert Francis Kennedy, chief counsel for minority; Francis P. Carr, executive director; Daniel G. Buckley, assistant counsel; Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

This morning we will deal with the case of an alleged Communist working in the Army Signal Corps as of today. The first witness will be an FBI agent, an undercover agent and not an informant. This witness will testify as to this woman's activities, and will identify other individuals in the Communist cells to which this Signal Corps employee belonged.

The Signal Corps employee may or may not be here this morning. Her lawyer called and said she was not feeling well and asked for permission not to have her here. The doctor phoned and said she was not able to appear, and therefore she will not have to appear.

The Civil Service Commission records will be introduced this morning to show that the Army had the same knowledge over the past months that we have this morning. In other words, this is no surprise to anyone, and the record will show the Army was notified by our committee some time ago that we intended to call this woman if they would not get rid of her and develop the facts themselves.

I think that I should say in fairness to Secretary Stevens I doubt very much that he personally knew about this case, and I think if he did he would have taken care of it.

We will wait a few minutes until counsel gets back with the Civil Service Commission records.

For the benefit of the other Senators, the first witness, Mrs. Markward, is on her way here now. She went to the wrong room.

In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. MARKWARD. I do.

The CHAIRMAN. Will you take the chair over on this side, if you will, please. I am going to ask Senator Mundt to temporarily act as chairman, as I have to go back to my office for a very quick appointment, and I will be back just as quickly as I can.

(Senator Mundt assumed the chair.)

Senator MUNDT. Mr. Cohn, do you wish to proceed with the questioning of the witness?

TESTIMONY OF MRS. MARY STALCUP MARKWARD

Mr. COHN. Mrs. Markward, may we please have your full name?

Mrs. MARKWARD. Mary Stalcup, S-t-a-l-c-u-p, Markward, M-a-r-k-w-a-r-d.

Mr. COHN. And you reside in the vicinity of the District of Columbia?

Mrs. MARKWARD. I do.

Mr. COHN. What is your occupation now?

Mrs. MARKWARD. Housewife.

Mr. COHN. Mrs. Markward, was there a time when you were an undercover agent for the Federal Bureau of Investigation?

Mrs. MARKWARD. There was.

Mr. COHN. And as an undercover agent of the Federal Bureau of Investigation, did you join the Communist Party?

Mrs. MARKWARD. I did.

Mr. COHN. And for how long a period of time were you a Communist?

Mrs. MARKWARD. I was a member of the Communist Party from May of 1943 and I was active through October of 1949 and my dues were paid through January of 1950.

Mr. COHN. Now, from about 1943 to 1949 or 1950, is that right?

Mrs. MARKWARD. Yes.

Mr. COHN. During the time you were in the Communist Party, were you at any time anything more than a mere member of the party?

Mrs. MARKWARD. I was.

Mr. COHN. Did you hold any office?

Mrs. MARKWARD. I did.

Mr. COHN. Would you tell Chairman Mundt and the members of the committee exactly what offices you held in the Communist Party?

Mrs. MARKWARD. I was named press director of the Northeast Club of the Communist Party in October of 1943. The following January or February I was elected to be chairman of that club. That was in 1944. About June of 1944, when the Communist Party changed to the Communist Political Association, I was elected to the city committee of Washington, D. C., of the Communist Political Association, and I was elected to be treasurer and membership director of the city of committee of Washington, D. C.

I held that position until the Communist Political Association was changed back into the Communist Party in the summer of 1945. At that time I was elected to the district committee of district No. 4 which included Maryland and Washington, D. C., and I was again elected to the district committee, excuse me, the city committee and city board in Washington, D. C., and again elected treasurer of Washington, D. C.

And in January of 1946 I was elected to the district board, which is the executive committee of the district committee, for district No. 4.

I held those positions until the 1948 convention of the Communist Party at which time I was reelected to the district committee of district No. 4, but was not reelected to the district board because they greatly reduced the number of membership available on that and I was not one of the members elected.

I was reelected to the city committee in Washington, D. C., and reelected treasurer of the Communist Party of Washington, D. C. I held numerous positions on committees during that time also.

Mr. COHN. Over the period of years that you were a Communist for the FBI, you held many and varied official positions in the Communist Party, is that correct?

Mrs. MARKWARD. That is true.

Senator MUNDT. What was the date of your last membership connection with the Communist Party?

Mrs. MARKWARD. My dues were paid through January of 1950. I ceased activity at the end of October, because of illness, in 1949.

Mr. COHN. Now, while you were in the Communist Party for the FBI, and while you held office in the Communist Party, were you in such a position that you were able to know the names of other members of the Communist Party?

Mrs. MARKWARD. I was.

Mr. COHN. Did you report those names to the Federal Bureau of Investigation?

Mrs. MARKWARD. I did.

Mr. COHN. As a matter of fact, did you make detailed reports to the Federal Bureau of Investigation of all the knowledge you gained while you were in the Communist conspiracy for them?

Mrs. MARKWARD. I did.

Mr. COHN. Would you tell us a little something about those reports and what would you include in that customarily?

Mrs. MARKWARD. Well, customarily, I included the names and any other pertinent information I had about any Communist Party member. At the time of registration, I included their party-book number. And also at the time of registration there would also come to my attention other descriptive information about the Communists, such as the type of employment they had, their age, their race, what unions they belonged to, what other mass organizations they belonged to, and generally a very detailed description of the party member.

I also, during 1943 and 1944 and 1945 and 1946, had access to their address and telephone number; and after 1946 the Communist Party tightened its security to the point that they ceased to keep the lists of names, of addresses, and that type of information. It was harder to obtain that, but I did, though.

Mr. COHN. I would like to ask you this, Mrs. Markward: How soon after the events occurred did you make your reports to the FBI?

Mrs. MARKWARD. I have to answer that by saying as soon as practicable. During part of the time I had occasion that I would have Communist Party members or guests at my home, and when they were there it was not possible for me to type a report or to make a phone call.

The CHAIRMAN. May I ask this question: Does that constant photographing bother you?

Mrs. MARKWARD. I prefer that they would not.

The CHAIRMAN. I wonder if the photographers would be a little more careful. It is hard for the witness to sit right in front of you with that flash camera ready. I know that you have a job to do and you have been assigned to it, but we just have to cut that down a bit, if you will.

Mr. COHN. They were as close to the period of time in which the events occurred that you could possibly do it; is that right?

Mrs. MARKWARD. It was in general within a few days of the time the events happened; at the maximum amount of time.

Mr. COHN. So that was usually within a very few days of when the events actually occurred, and I assume a great degree of accuracy could be achieved through that method?

Mrs. MARKWARD. Yes, sir.

Senator POTTER. Did I understand that you were treasurer of the Communist Political Association in Washington, D. C.?

Mrs. MARKWARD. Yes, sir.

Senator POTTER. As treasurer the members of the association paid their dues to you?

Mrs. MARKWARD. During the time of the Communist Political Association the members themselves paid the dues directly to me. After the Communist Party was re-formed in 1945, and the membership was broken down into smaller cells or clubs, I got most of the dues from the secretary or another officer of the club. At that time I had occasion to meet with the officer of the club to find out the names of the members.

Senator POTTER. Even when you were paid by another officer of the club, you knew the members of that organization?

Mrs. MARKWARD. That is right; and I was responsible for every individual dues payment to the district organization; and I had to make the checkup with the officer of the club.

Senator POTTER. Therefore you were in a position to know all of the Communists in the area?

Mrs. MARKWARD. Yes, sir.

Mr. COHN. Now, after you left the Communist Party—or what were the circumstances of your leaving the party?

Mrs. MARKWARD. I became ill in 1949 and it was at that time diagnosed as multiple sclerosis, which is a form of paralysis; and I recovered, though, sufficiently to return to duty. But after 7 weeks I became completely paralyzed, and I was unable to continue any further.

The CHAIRMAN. I was out of the room for a moment, and I assume it has been made clear that this young lady was at all times a full-fledged FBI agent while she was allegedly a Communist Party member. That is correct, is it not?

Mr. COHN. That is right. And it is established that Mrs. Markward would submit detailed reports to the Federal Bureau of Investigation.

The CHAIRMAN. May I say to you, Mrs. Markward, that I think that the courage of a young lady who will join the party for the FBI and report to the Bureau is about as great as anything that you can find.

Senator JACKSON. Did you join for the purpose of getting the information for the FBI, or did you join initially on your own?

Mrs. MARKWARD. I joined for the purpose of getting the information for the Federal Bureau of Investigation.

Senator JACKSON. From the very beginning?

Mrs. MARKWARD. Yes.

Senator McCLELLAN. To get this in proper perspective then, all of the testimony that you may give here with respect to individuals who may have been or are members of the Communist Party—all of that information was given by you to the FBI prior to the time that you left the party?

Mrs. MARKWARD. That is correct.

Senator McCLELLAN. So that any testimony that you give now is information that the FBI has had—

Mrs. MARKWARD. That is correct.

Senator McCLELLAN. All of the time. And if you identify any member or any present Government employee as a member of the Communist Party here today, then that information has been in the possession of the FBI at all times since you gave it to them, and that was prior to the time that you left the party in January of 1950?

Mrs. MARKWARD. That is correct.

The CHAIRMAN. I think we can add to what Senator McClellan has said, that under the normal procedure any report which you would give to the FBI about an employee in any department of the Government would be automatically turned over by the FBI to that department. So we can assume as of today that whatever you tell us was known to the boss of the employee concerned. Would you know that?

Mrs. MARKWARD. I don't know that, sir; and I only know that I gave it to the FBI and I don't know what they did with it or when.

Senator McCLELLAN. The purpose of my question, Mr. Chairman, was to establish the fact that any of these persons whom she names today as members of the Communist Party, that those persons have been known to the FBI and, through the FBI in its functioning, to the head of any agency who now has such person in their employ; they could have known it, did know it, and were warned of their Communist connections.

The CHAIRMAN. I may say in confirmation of that, Senator McClellan, that we will read into the record very shortly the report from the Civil Service Commission to the Army which makes it very clear that this information which has been developed this morning has been known for a long time to the Army. There is nothing new about this.

Mr. COHN. I wanted to ask you this question, or a few preliminary questions, if I may.

After you left the Communist Party, through the FBI you were available to various constituted agencies of government, grand juries, and juries, to tell what you knew of the Communist conspiracy; is that right?

Mrs. MARKWARD. That is true.

Mr. COHN. Under the sponsorship of the Department of Justice in the past few years, you have since 1951 and 1952. I believe—and other Government agencies—you have been ready, willing, and able to give the country the benefit of what you learned in the Communist Party; is that right?

Mrs. MARKWARD. That is correct.

Mr. COHN. Now, I want to take you back to this one thing. You told us after you were in the party that you were, I believe, treasurer and

press director of the Northeast Club of the Communist Party; is that correct?

Mrs. MARKWARD. That is correct.

Mr. COHN. And as such did you know who the members of the Northeast Club of the Communist Party were?

Mrs. MARKWARD. I did.

Mr. COHN. Did you report the names of those members to the FBI?

Mrs. MARKWARD. I did.

Mr. COHN. We are referring here to dues-paying, card-carrying members; is that right?

Mrs. MARKWARD. That is right.

The CHAIRMAN. The principal reason you are testifying this morning is because we understand that a woman who is currently employed by the Department of the Army, and her job description places her in the Army's code room in the Signal Corps, handling the incoding and decoding of confidential and top-secret messages, may have been a member of the cell that you have full information about, that you may have collected her dues. This woman's name is Annie Lee Moss. I wonder if you would tell us now whether or not early in 1944 you gave reports to the FBI on Annie Lee Moss.

Mrs. MARKWARD. I did.

The CHAIRMAN. Would you tell us what you told the FBI in those reports?

Mrs. MARKWARD. I recall, sir, that I had a woman by the name of Annie Lee Moss on the list of card-carrying, dues-paying members of the Northeast Club, and at that period in the history of the Communist Party detailed lists were kept.

The CHAIRMAN. Was Annie Lee Moss a member of the Communist Party?

Mrs. MARKWARD. She was.

The CHAIRMAN. You collected dues from Annie Lee Moss?

Mrs. MARKWARD. I was not specifically the dues collector at that point. I was the chairman of the club. I had overall responsibility for the dues collection, but I was not actually handling the funds.

The CHAIRMAN. There is no doubt in your mind that she was a full-fledged member of the Communist Party?

Mrs. MARKWARD. Absolutely not.

The CHAIRMAN. And you reported that in detail to the FBI from time to time?

Mrs. MARKWARD. I did.

The CHAIRMAN. I think at this time counsel should read into the record the job description for Annie Lee Moss so that the Senators may know exactly what her job is.

Senator McCLELLAN. Mr. Chairman, just before he proceeds to do that, may we determine whether the Annie Lee Moss that is now employed in the Government is the same Annie Lee Moss about whom you speak, and whom you know to be a Communist? Let us establish that before we proceed.

The CHAIRMAN. I think that is a good idea, Senator. What was the address of the Annie Lee Moss that we have been discussing?

Mrs. MARKWARD. My recollection is that she had several addresses, all of them in the area of Second and F Streets NW., in Washington, D. C.

The CHAIRMAN. What was her occupation?

Mrs. MARKWARD. She was a cafeteria worker.

The CHAIRMAN. At the time you knew her?

Mrs. MARKWARD. That is right.

The CHAIRMAN. Where did she work at that time?

Mrs. MARKWARD. In the Pentagon.

The CHAIRMAN. May I ask the chief counsel or the chief of staff whether they have checked to determine that Annie Lee Moss is now there in the code room in the Signal Corps, and was at that time working in the cafeteria, and whether or not that address has been checked? Have you found the address and the general location the same as described by the witness?

Mr. CARR. Yes, sir, we have. From the records of her employment with the Army, it is reflected that she lived at 525½ Second Street NW., Washington, D. C., during the period from November 1942 to June 1943.

The CHAIRMAN. She was a cafeteria worker?

Mr. CARR. Yes, sir.

The CHAIRMAN. At the time that Mrs. Markward knew her?

Mr. CARR. Yes.

The CHAIRMAN. Am I correct in this, that she was suddenly promoted to the code room?

Mr. CARR. She subsequently went to the code room; yes. This is not directly from this job.

The CHAIRMAN. I see.

Senator McCLELLAN. Mr. Chairman, may I ask if Annie Lee Moss is present? If she is, I would like to have the witness identify her, if she knew her personally. Did you know her personally?

Mrs. MARKWARD. I don't—

The CHAIRMAN. May I say first, Senator, I do not know whether she is present or not. We told her lawyer that this testimony would be taken this morning, and he said that Annie Lee Moss was ill. We told him that if he assured us that her doctor said she could not be here, we would not require her to be here. I am not sure if she is in the room or not.

Senator JACKSON. Before the job description is read into the record—

The CHAIRMAN. Just a moment. We will check to see if she is here.

Senator McCLELLAN. May I inquire of the witness, did you know her personally so you could identify her as a person, or was it only as a name to you as a member of the Communist Party?

Mr. MARKWARD. I don't specifically recall that I do know her as a person. I don't recall that I don't know her as a person, either. I just have no specific recollection on that point.

Senator McCLELLAN. What I am trying to determine, could you identify her if she was present?

Mrs. MARKWARD. I am not sure whether I could or not.

Senator McCLELLAN. We will have to establish the connection through other means. I thought maybe you could identify her.

Mrs. MARKWARD. I am very, very sure of the name, and the matter that she was a dues paying member as a matter of fact.

The CHAIRMAN. First, is Annie Lee Moss here this morning?

(No response.)

Mr. COHN. Mr. Carr just advises me that she is not here due to illness, that her lawyer has submitted to the committee a written certificate to the effect she is ill and could not be here and stating he has been advised we would proceed this morning whether she was here or not, and he would have her appear at some subsequent time, as soon as her health is regained, to testify. I have asked that certificate be brought up here so it can be entered into the record.

The CHAIRMAN. May I ask this question, and I think Senator McClellan raises a good point.

Mrs. Markward, you have been cooperating with our committee and the FBI. You know much more about this woman obviously than any of the committee and the staff know. Having informed of her address and checked her employment, is there any question at all at this time that the Annie Lee Moss that you are discussing is the Annie Lee Moss that is now working in the code room of the Pentagon?

Mrs. MARKWARD. No question in my mind, sir.

The CHAIRMAN. I understand you will also identify other members of that particular Communist cell; is that correct?

Mrs. MARKWARD. I can, sir; yes, sir.

The CHAIRMAN. Let me ask counsel this: Do the records show that the FBI through the Civil Service Commission reported to the Army that the Annie Lee Moss who is now doing the decoding, the routing of messages from CIA, other sensitive agencies, is the same Annie Lee Moss that this witness is now discussing?

Mr. COHN. I believe there is no question about that, Mr. Chairman. Our information from the Civil Service Commission was to the effect that the FBI report shows that not only was Mrs. Markward available, but there were other witnesses whom the FBI had as informants in the party who knew Annie Lee Moss as a member of the Communist Party, and all of that information has been supplied to the Civil Service Commission and to the Army, and specifically, Mr. Chairman, we were told, and I think some of the records reflect this, under date in September of 1951, the FBI filed supplemental reports with the Civil Service Commission and with the Department of the Army giving to them the benefit of the information not only supplied by Mrs. Markward, but supplied by other FBI informants concerning the Annie Lee Moss. Mrs. Markward has been exposed and is available to testify publicly. Insofar as any of the other witnesses are concerned, that is a matter which we will have to take up with the Department of Justice and the FBI and the Army.

Senator McCLELLAN. Mr. Chairman, the only thing I have in mind is that we are talking about a name here. I do not know whether there is anyone else that could possibly qualify or be identified as another Annie Lee Moss. I am simply trying to establish once and for all, and right in the beginning of this hearing, that the Annie Lee Moss we are talking about, and taking testimony about here, is the Annie Lee Moss who is now employed by the Federal Government. If we can get that, then we can proceed. No doubt you can connect it up, but if it can be connected right in the beginning of the hearing and definitely establish that fact, then we know all the time whom we are talking about.

The CHAIRMAN. I think Senator McClellan raises a very good point. Would you give us the address of the Annie Lee Moss who works in the coding room, her address at that time? Is that in the report?

Senator JACKSON. Mr. Cohn, I understood you to say that there are

some other witnesses that knew Annie Lee Moss to be a member of the Communist Party. Do we have those?

Mr. COHN. I explained on that, Senator, that as far as the information we have is concerned, those witnesses have up until this time been confidential informants of the FBI who have not been exposed. We put in a formal request with the Department of Justice and the FBI to see whether or not we could secure the release of any of those witnesses. They told us this much, that all the information concerning the testimony of those other witnesses on this same person as well as what Mrs. Markward has to say has been supplied to the agency involved, and to the civil service.

Senator JACKSON. I take it that information is in her FBI file?

Mr. COHN. Yes, sir; it is.

Senator JACKSON. The Annie Lee Moss FBI file.

Mr. COHN. That is correct. There is only one Annie Lee Moss FBI file, and only one Annie Lee Moss Department of Justice file. We have ascertained that and have been told that the Annie Lee Moss Mrs. Markward is talking about is the Annie Lee Moss that the file deals with, and there is no other.

Senator JACKSON. While we are waiting for the address, may I ask a preliminary question to get the record straight?

The CHAIRMAN. Certainly. May I say that before this witness was called this morning, we checked in detail, and there is no doubt in the mind of any of the staff members that the Annie Lee Moss reported to the Army by the Civil Service Commission as a member of the Communist Party is the same person that this witness is describing this morning.

Senator JACKSON. I just want to get these things in the record. I appreciate that.

The CHAIRMAN. May I say this: I do not know whether the other witnesses will be available to testify in public session or not. I know that all the Senators realize that the FBI, doing the tremendous job it is doing, cannot at all times make available for public testimony their undercover agents. They have made available this young lady. But her testimony has been firmed in every detail by other undercover agents.

Is that correct, Mr. Carr and Mr. Cohn?

Mr. COHN. That is correct. I believe the file is in the possession of the Civil Service Commission and the Department of the Army, and—

Senator JACKSON. There is certain basic information I want to get here preliminary to our proceeding further. That was all.

Senator POTTER. Mr. Chairman, I think it could very easily be established, first, the time when you submitted your information on Annie Lee Moss. Then I would assume that the FBI, if she held a certain position, certainly followed her by file, at least, from job to job. There would be no difficulty if you establish this Annie Lee Moss was working in the cafeteria that Mrs. Markward was talking about at that time, and is now holding this job, and that seems to be the only Annie Lee Moss—

The CHAIRMAN. May I say there is no difficulty, and you are completely correct, Senator Potter. This woman was reported by this FBI undercover agent to the Bureau repeatedly as a member of the

Communist Party. All of her activities were known. We have a Civil Service Commission report here to the Army in which the Civil Service Commission confirms this, I think, in as much detail as possible.

Senator MUNDT. Why do we not resolve this thing by reading into the record the chronological steps this young lady made in the transition from a cafeteria worker to a Signal Corps worker.

The CHAIRMAN. May I say this was about to be done by my chief counsel until I and some other Senators interrupted him.

Senator JACKSON. Before we do that, Mr. Chairman, this is not a matter of interruption. I just want to get the record straight of the membership of Annie Lee Moss in the Communist Party. I do not believe that is complete in the record at this point. I think it is very relevant to her later employment in the Federal Government.

I understand you joined the Communist Party in 1942.

Mrs. MARKWARD. May 1943.

Mr. JACKSON. You joined the Northeast Club?

Mrs. MARKWARD. That is right.

Senator JACKSON. Was Annie Lee Moss a member of the club at that time?

Mrs. MARKWARD. I cannot recall specifically. May I explain just why? I knew nothing about the Communist Party when I joined it. I learned almost to speak a new language. Everybody I met were new people.

Senator JACKSON. How many in the club?

Mrs. MARKWARD. I should imagine there were 30 people present at the first meeting I attended. It was not possible for me to remember all their names and all their faces that first time. I did not have access to their records for some months after I joined the Communist Party. They don't even open their records to all the club members. I cannot recall right now when exactly the first time I came across the name of Annie Lee Moss. I do recall she was on the membership records. There were records that she did make dues payments. There is a record she was issued a party book and she had that party book.

Senator JACKSON. Do you recall whether or not she ever attended a meeting?

Mrs. MARKWARD. I cannot recall specifically.

Senator JACKSON. That she ever attended a meeting? When did her name disappear from the books of the Northeast Club?

Mrs. MARKWARD. The Northeast Club itself was dissolved when the Communist Political Association was formed in June of 1944. Sometime to the best of my recollection between the time the Communist Political Association was formed and the time the Communist Party was re-formed in Washington was October 1945, her name was dropped from our rolls.

Senator JACKSON. Her name was not on the rolls in 1945?

Mrs. MARKWARD. In October of 1945, to the best of my recollection.

Senator JACKSON. Of the Communist Political Association.

Mrs. MARKWARD. That is correct.

Senator JACKSON. Was her name on the rolls of the Northeast Club of the Communist Party prior to that transition?

Mrs. MARKWARD. To the best of my recollection, it was, sir.

Senator JACKSON. Was it ever on the rolls of the Communist Political Association?

Mrs. MARKWARD. It was.

Senator JACKSON. It was on the rolls?

Mrs. MARKWARD. Yes.

Senator JACKSON. How long did it remain on the rolls of the Communist Political Association?

Mrs. MARKWARD. I cannot recall specifically.

Senator JACKSON. But do you know why her name no longer appeared at a latter date on the rolls of the Communist Political Association?

Mrs. MARKWARD. No; I don't.

Senator JACKSON. How many members were there in the Communist Political Club Association at that time?

Mrs. MARKWARD. Around 280 or somewhere around there, or 300.

Senator JACKSON. Around 280?

Mrs. MARKWARD. Something like that, for the whole city of Washington.

Senator JACKSON. That was for the whole city. They dissolved the sectional breakdown of the Communist organization?

Mrs. MARKWARD. That is correct.

Senator JACKSON. Do you have any recollection of ever having met her or seen her?

Mrs. MARKWARD. I am not positive, sir, whether I have or not.

Senator JACKSON. Did you ever have any information that she ever attended a meeting or was active in the Communist Party or Political Association?

Mrs. MARKWARD. As I say, my recollection is not such, sir, that I would definitely want to make a commitment one way or another. I cannot specifically say she did any particular act on any particular date, no.

Senator JACKSON. Is it your judgment that she left the Communist Party in 1945 when her name disappeared?

Mrs. MARKWARD. That is right.

Senator POTTER. Would the Senator yield at that point?

Senator JACKSON. You say she left the Communist Party?

Mrs. MARKWARD. She was removed from the rolls of the Communist Party.

Senator JACKSON. What would that indicate?

Mrs. MARKWARD. It would indicate if she had taken Government employment, she would have been dropped from the rolls of the Communist Party in Washington.

The CHAIRMAN. It was the rule of the Communist Party at that time that when anyone took Government employment, especially in any sensitive job, that their name was removed from the rolls?

Mrs. MARKWARD. Whenever anyone was employed by the Federal Government, they were removed from the rolls, I call it the open party of the Communist Party, including the Communist Political Association. That even included the white-collar clubs. Their organization for the Government employees was an underground organization that was not composed of party members who carried cards.

The CHAIRMAN. Senator Potter.

Senator POTTER. I was going to ask the same question.

The CHAIRMAN. I am sorry. Then as far as you know, in view of that, you had no evidence whatsoever that she broke with the party, and being an officer in the Communist Party at that time, I assume if she had broken with the party, you would have known that?

Mrs. MARKWARD. I know very definitely she was not expelled by the party.

The CHAIRMAN. She was not expelled by the party and did not break with it as far as you know?

Mrs. MARKWARD. That is right.

Senator POTTER. It was a practice when they received Government employment, they would cease their active participation in the Communist Party?

Mrs. MARKWARD. That is correct.

Senator POTTER. And they would go into inactive status or undercover status, is that right?

Mrs. MARKWARD. The general policy was that after they had been in the more exposed part of the party, such as the Northeast Club was, that at most they let them sleep a little while before they were picked up by a more sensitive group of the Communist Party, because they didn't want an exposed person to expose the secret members.

Senator POTTER. In other words, it was just a normal procedure. If she received Government employment, she was taken off the active party rolls.

Mrs. MARKWARD. That is correct.

Senator McCLELLAN. Mrs. Markward, I think it might be helpful to establish from your experience, at least, and your connections with the party and official position, did you have any way of knowing and determining when one left the party voluntarily of their own volition? Would you be able to know in this particular instance whether when her name was removed from the rolls she had resigned or actually quit the party, or if it was a matter of the mechanism of the party in dropping her name so as not to expose her if she went to work for the Government?

Mrs. MARKWARD. I—

Senator McCLELLAN. What I am trying to determine, could you tell us the difference in the names removed from the rolls?

Mrs. MARKWARD. Yes.

Senator McCLELLAN. Could you determine, and were you able to determine in this particular instance, whether her name being removed was an act of her own voluntarily and on her own initiative in quitting the party, or was it because she had accepted a position in the Government?

Mrs. MARKWARD. I again must say that I do not have a specific recollection of just what came about. That was many, many years ago.

Senator McCLELLAN. I am sure it was, but what I am trying to determine is this: Suppose she comes in and says, "Yes, I was a member a little while and found out what it was and became disillusioned and disgusted with it and I quit." How are we going to determine whether that statement is true? Can you give us any information that would help us in judging that problem?

Mrs. MARKWARD. That information undoubtedly came to my attention at the time it happened. The FBI would have that in my

reports. As I say, I am not sure enough right now to make a definite statement one way or the other here.

Senator McCLELLAN. You have no doubt that she was a member?

Mrs. MARKWARD. I have no doubt she was a member.

Senator McCLELLAN. And you know her name was removed from the rolls in 1945?

Mrs. MARKWARD. That is correct.

Senator McCLELLAN. I do not know what is going to happen, but I am trying to determine how to judge this matter if that is admitted later, and they contend it is a voluntary withdrawal from the party.

Senator POTTER. What was the Communist policy or practice—

The CHAIRMAN. May I interrupt there for just a moment to point out that in September 1951, that is a considerable period of time after the date this young lady is testifying about, the FBI submitted a supplemental report of investigation in this case which was sent to the Army for consideration. This obviously would not have been done unless they had other informants showing that this woman, Annie Lee Moss, still was a member of the party in 1951. The memorandum is available for the Senators in case they want it. In fact, I think it should be filed with the record as an exhibit.

(The memorandum referred to above was marked "Exhibit No. 18" and may be found in the files of the subcommittee.)

Senator JACKSON. Do you have any recollection of Annie Lee Moss being active or having any connection with the Communist Party after 1945?

Mrs. MARKWARD. I do not.

Senator JACKSON. Did you have any information on the so-called unlisted members or secret members?

Mrs. MARKWARD. The only information I had about them was in transferring members in and out of that group. I had enough information to know a few of the individuals to know their procedures and their cooling-off periods when they were going in and out of Government, and by providing literature to them, and that type of activity.

Senator JACKSON. In that connection, you do not recall the name of Annie Lee Moss at any time?

Mrs. MARKWARD. No, sir.

Senator POTTER. Was it not the policy of the Communist Party at that time that when somebody left the party for a voluntary reason that the party followed up to find out why they left the party and tried to bring them back to the fold? Is that true?

Mrs. MARKWARD. Yes, sir; they did.

Senator POTTER. And if they left for voluntary reason, certainly as an officer of the club you would have some knowledge that there was a deviation on her part and an effort would be made to reinstate her or get her dues or bring her back into the party?

Mrs. MARKWARD. It would have been my responsibility to do that.

Senator POTTER. You have no recollection that this was the case as it relates to Annie Lee Moss?

Mrs. MARKWARD. That is correct.

The CHAIRMAN. May I ask, is there a representative of the Department of the Army here today?

(No response.)

The CHAIRMAN. Is there any representative of the Department of the Army here today?

(No response.)

The CHAIRMAN. Is it correct that there is a representative here? I would like to know, because it would seem that the Department of the Army should be sufficiently interested in this case to send one here. Is there someone here? You may sit up here, Mr. Berry, if you care to.

May I say at this time that I sincerely hope that all the facts in this case are brought to the attention of the Secretary of the Army. I think he has been grossly misinformed, misadvised. I do not think that Bob Stevens wants to protect Communists in the Army, any more than any member of this committee does. I hope he gets all of the details of this case.

I may say I was very much disturbed to find the Secretary of the Army giving the members of this committee a memorandum telling them what happened in executive session before he even asked for a copy of the testimony at that executive session, before he even called me to ask what had occurred. I just hope that in the future, Mr. Berry, and I am not blaming you because this is the first time you have been present at these hearings—

Mr. BERRY. That is right.

The CHAIRMAN. I sincerely hope in the future that the Secretary of the Army is given all the facts, and I sincerely hope that before he goes to any members of this subcommittee and tries to tell them what happened in executive session at which he was not present, that he at least ask me for a copy of the official reporter's transcript of what occurred.

Mr. COHN. Mr. Chairman, to answer your question you asked a few minutes ago, and I believe the question Senator Potter and Senator Mundt raised, the file we have shows that Annie Lee Moss transferred apparently from the job as cafeteria worker to a job as an underclerk in the Government in the year 1945, I believe on January 15, 1945. She worked as an underclerk, then, Senator.

Senator JACKSON. What agency was that?

Mr. COHN. That was in the General Accounting Office, I believe, Senator Jackson. After that she went from underclerk to clerk to assistant computer in the General Accounting Office. She was transferred over to the Department of the Army in 1949 or 1950. We will try to get that exact date. I think it was 1950. She went to work in the General Accounting Office for the Government at the beginning of January 15, 1945.

Was that during the Communist Political Association period?

Mrs. MARKWARD. Yes.

Mr. COHN. Could that be around the time she disappeared from the rolls?

Mrs. MARKWARD. It could be.

Mr. COHN. It was within that general period?

Mrs. MARKWARD. That is right.

Mr. COHN. The Communist Political Association was in existence for about a year, is that right?

Mrs. MARKWARD. From June of 1944 or the end of May 1944 until the summer of 1945.

Mr. COHN. Just a little bit over a year.

Mrs. MARKWARD. Yes. In Washington we were delayed in having our official convention, and the change officially was the 14th of October 1945 when we got the name of Communist Party again.

Mr. COHN. So this General Accounting Office employment on the part of Annie Lee Moss was commenced during the Communist Political Association general period when you say she disappeared from the rolls, is that right?

Miss MARKWARD. That is right.

Mr. COHN. She worked there until the middle of 1944 and on December 19, 1950, she received an appointment as a communications clerk in the office of the Chief Signal Officer in the Department of the Army, and she has been there ever since. We have a job description which has been supplied to us by the Army, Mr. Chairman.

The CHAIRMAN. Before you read that into the record, is it correct, Mr. Counsel, that this witness is in a position to name other members of the same Communist cell to which Annie Lee Moss belonged, that those members of this cell are here in the room today?

Mr. COHN. I believe she can name members of the cell and functionaries of the party at the period of time in which we are particularly interested.

The CHAIRMAN. And those other members of the same Communist cell are here in the room available to testify?

Mr. COHN. Some of them are, Mr. Chairman.

The CHAIRMAN. I think it is a good idea to read the job description into the record.

Mr. COHN. The job description supplied us by the Army and drawn up at the time of the appointment of Annie Lee Moss and this job description is dated March 3, 1950.

Major duties: 1. Receiving messages over radio or wire circuits from stations all over the world. Examines messages received in tape form, in code and clear text from receiving banks to determine coherence thereof, whether numbers are in correct sequence. Corrects, if necessary, time and date group, precedence and whether complete, and to determine from the procedure headings how the messages should be disposed of, and so on, and so forth.

No. 1, final disposition of messages. Continuing the job description of Annie Lee Moss under No. 2, as workload requires ascertain and record final disposition on messages addressed to this station and originating overseas or by the State Department, the Army Security Agency, Central Intelligence Agency, General Staff and so forth. To determine that final disposition has been completed by the communications center on such messages.

That is the general. Then there are other duties, such as occasionally transmitting messages over radio or wire circuits.

Senator MUNDT. Mr. Chairman, I suggest we put the whole analysis in the record at this point.

The CHAIRMAN. I think that is a good idea. That will be marked "Exhibit 19" and filed with the record.

(The job description was marked as "Exhibit No. 19" and will be found in the appendix on p. 353.)

Mr. COHN. Mr. Chairman, we also have as you know from the Civil Service Commission various records indicating that the FBI has over a period of years been submitting reports in the case of this Annie

Lee Moss, both to the Civil Service Commission, and copies to the Department of the Army.

Senator JACKSON. May I ask at this point a question?

The CHAIRMAN. May I first say this, if I may. Let us make it clear at this time, in previous hearings when we mentioned the FBI, certain members of the press, being honestly mistaken, I am sure, being confused by the reference to the FBI, assumed that we were talking about reports which this committee got from the FBI. Let us make it clear there that we are referring to the files which we subpoenaed from the Army and the Civil Service Commission, which files, in turn, refer to FBI reports. We are not referring today to any original reports received directly from the FBI. Just so there is no question about that.

Senator JACKSON. Just this one question, Mr. Chairman. Is there anything in her FBI file, or any information that the committee has that she was a member of the Communist Party after 1945, while she was employed in the Government?

The CHAIRMAN. The answer is "Yes."

Senator JACKSON. There is an FBI report that she continued to be a member of the Communist Party and is one at the present time?

The CHAIRMAN. I do not know as of today or this moment, you understand, because the new formula you know is to quit the day before you are called before the committee, or the day before you are subpoenaed. We know that adverse reports were submitted on this woman as late as September 1951.

Senator JACKSON. Adverse reports, or——

The CHAIRMAN. Reports from the Bureau concerning Communist activities.

Senator JACKSON. Of Mrs. Moss?

The CHAIRMAN. Of Mrs. Moss, in September 1951.

Mr. COHN. That is the latest date.

Senator JACKSON. I read this report, and I can refer to it without any breach of confidence.

The CHAIRMAN. The entire report can be put in the record, so there is no breach of confidence at all.

Senator JACKSON. I read the report, and from the report all I have is that there is supplemental information and the finding that it was not new, that the Board considered the information that had been given previously.

The CHAIRMAN. That is incorrect, Senator. There are two additional informants——

Senator JACKSON. I am just speaking of the report, Mr. Chairman.

The CHAIRMAN. Let me make it very clear now so there is no question about this. There are additional informants, who I hope will be available in any criminal action—I am not sure if they will be available to testify in a public session—there is no question about the fact that this woman, Annie Lee Moss, who is now handling the encoding, decoding, the routing of classified work, has been an active member of the Communist Party. There is nothing in the record to show that she ever broke with the party. I may say in view of the fact that she is not here this morning, I believe she will deny membership in the party herself.

Senator JACKSON. She will deny membership?

The CHAIRMAN. I understand she will. She will not claim it is misidentity. She will not claim that she reformed. We have in this room five people who will be identified by this FBI agent who is on the stand now as members of the same Communist cell to which Annie Lee Moss belonged. They will be called to the stand. They will be put under oath. They will be asked to testify. I assume they having been identified as members of the Communist conspiracy will take the fifth amendment.

Senator JACKSON. As you recall, they did not take the fifth amendment in the committee as to knowing her.

The CHAIRMAN. Let us keep the record straight. If we are going to discuss the executive testimony, I would prefer not to. I would prefer putting these people on the stand and having everyone here hear them. If we start discussing executive testimony, Senator, we are relying on your memory and mine. I do not want to do that. We have both heard these witnesses in executive session. If you insist upon discussing executive testimony, I will discuss it.

Senator JACKSON. I did not bring it up.

The CHAIRMAN. But as chairman I would much prefer not to discuss it, because those witnesses will all be called to the stand and I would like to have the members of the press and the people in the room here hear those witnesses under oath. That will be the ruling unless the committee disagrees with me.

Senator McCLELLAN. Mr. Chairman, may I suggest that since you are going to have those witnesses testify, that we had in executive session, let us proceed to have this witness identify them, or those of them she can, before they are placed on the stand.

The CHAIRMAN. That is what we will do if we ever get to it.

Mr. COHN. I wanted to ask you this. Our information was that Annie Lee Moss at a time roomed with a woman named Hattie Griffith. Do you know Hattie Griffith?

Mrs. MARKWARD. I do.

Mr. COHN. Did you come in contact with Hattie Griffith in the Communist Party?

Mrs. MARKWARD. I did.

Mr. COHN. In what capacity?

Mrs. MARKWARD. She and her husband were both members and we held Communist Party meetings in their home.

Mr. COHN. Where was that home located?

Mrs. MARKWARD. I believe the address was 639 Second Street NW. That is within 2 or 3 numbers of being right. I believe it was 639.

Mr. COHN. Do you know whether or not Annie Lee Moss was sharing that home at that time?

Mrs. MARKWARD. I don't recall.

The CHAIRMAN. Has it been established that she was living there at that time?

Mr. COHN. It has been established that Hattie Griffith was the roommate of Annie Lee Moss at that time. I want to hedge on the exact address, Mr. Chairman.

The CHAIRMAN. We will have that established under oath. Thank you.

Mr. COHN. Do you know a woman by the name of Sallie Peak?

Mrs. MARKWARD. I do.

Mr. COHN. Would she be in a position to know of the Communist Party membership of Annie Lee Moss? Could she be one of those?

Mrs. MARKWARD. In my opinion she would, sir.

Mr. COHN. Can you tell us about Sallie Peak? Was she herself a Communist?

Mrs. MARKWARD. Sallie Peak was a member of the city committee all the time I was a member of the Communist Party and the Communist Political Association. She was a Communist who was sent to the National Training School of the Communist Party in New York for further education. She was also a functionary in the cafeteria workers union in Washington, D. C. She was an officer also of the cafeteria workers club after it was reestablished in 1945.

Senator MUNDT. Sallie Peak you knew personally and could identify her?

Mrs. MARKWARD. Definitely.

Senator MUNDT. What is her nationality?

Mrs. MARKWARD. She is an American Negro.

Mr. COHN. I want to ask you this one question, Mrs. Markward. Were you at all times after you broke with the party available to appear at the request of the Army or the Civil Service Commission?

Mrs. MARKWARD. Of course, I was unable to appear for a while because I was not in physical condition, but the Communist Party wrote an article in the Daily Worker in February of 1951 saying that they had expelled me. I have never had any direct contact from them. Subsequent to that, I was subpoenaed by the House Un-American Activities Committee and did testify before them in executive sessions. They had asked me to appear in public session about the 11th of July 1951, and in some manner a reporter on the Washington newspaper got hold of my executive committee testimony and on the 6th of July 1951 that was published. From that time on, as far as I was concerned, I certainly was in a position to appear publicly and testify.

Mr. COHN. Did the Army, which we know from the documented evidence of the Civil Service Commission was notified by the Civil Service Commission and the FBI concerning the Communist activities of Annie Lee Moss, or any representative of the Army, ever speak to you about Annie Lee Moss or ever ask you for the information you had concerning her Communist Party membership?

Mrs. MARKWARD. They have not.

Mr. COHN. Would you have been willing to give that information to the Army, the information that Annie Lee Moss, residing on Second Street, working in a cafeteria at that time, as the file shows this very same Annie Lee Moss did, you reported to the Bureau was a dues-paying member, would you have given that information to the Army?

Mrs. MARKWARD. I certainly would.

Mr. COHN. And they never asked you for that information; is that correct?

Mrs. MARKWARD. They did not.

Senator MUNDT. Along that same line, may I ask, were you ever called before any Civil Service Loyalty Board to testify about Annie Lee Moss?

Mrs. MARKWARD. I was not.

Senator MUNDT. Were you ever called before the so-called President's Loyalty Board or any other loyalty board established by the executive agency of the Government to testify about Annie Lee Moss?

Mrs. MARKWARD. I was not.

Senator MUNDT. In other words, you testified only before the FBI and the House Un-American Activities Committee. Those were the only two?

Mrs. MARKWARD. That is correct.

Senator MUNDT. I think it is rather significant, Mr. Chairman, because of the Loyalty Board records that we have here that she was not called before the Loyalty Board to testify at all.

The CHAIRMAN. I may say, Senator, I agree with you. I think it is inconceivable that a woman who would be handling encoding and decoding of classified material, her superiors knew that this agent of the FBI, Mrs. Markward, was available to testify, and they would clear this Annie Lee Moss without even calling Mrs. Markward as a witness. It is unheard of.

Again may I say, so that this will not be interpreted as any attack upon Secretary Stevens, I know he has been absent from his desk in the Pentagon on official business a great deal of the time since he has been appointed. I feel confident that he did not know about this case. We will ask him about it Thursday.

Senator POTTER. Mr. Chairman, could I ask you or the counsel as to when the Loyalty Board hearings were held?

Mr. COHN. I believe there was one, Senator Potter, in 1948, and there was another review of the case in 1951.

Senator POTTER. Did the Loyalty Board have the information from the FBI concerning Mrs. Markward?

Mr. COHN. The Loyalty Board had some of the information and had Mrs. Markward listed as a confidential informant at that time.

Senator POTTER. So the Loyalty Board had information that Mrs. Markward was available and had information on the person under consideration; is that correct?

Mr. COHN. I think the fact on that is this, Senator Potter, and I think it is very important. Mrs. Markward was probably listed in the FBI reports as a confidential informant while under cover with the FBI in the party. When she broke from the party she then became available to the various Government agencies as a live witness ready to testify under oath. Our information is that on September 11, 1951, the Civil Service Commission and the Army received letters from J. Edgar Hoover notifying them that Mrs. Markward was now available to appear in person and give the benefit of her knowledge, which she had given years before to the FBI, concerning the Communist Party membership of this Annie Lee Moss to the Army, to the Civil Service Commission, and to any loyalty boards that might desire to have that information. In other words, she had changed from the status of a confidential informant to an informant of the FBI who was now available to testify under oath.

Senator McCLELLAN. Counsel, will you state again the dates of those loyalty hearings?

Mr. COHN. Let me see if I can get them exact.

The CHAIRMAN. May we also have the record clear that this young lady was not an informant. She was an agent. There is a big difference.

Mr. COHN. The second hearing——

Senator POTTER. Is that the last hearing?

Senator McCLELLAND. Just give me the dates of the hearing.

Mr. COHN. That is what I am trying to get.

Senator McCLELLAND. What I want to determine is whether she was available then as a witness.

Mr. COHN. June 23, 1948, her case was decided by the loyalty board. October 20, 1949, it was postaudited by the Loyalty Review Board. That was while she was with the General Accounting Office, and after that she was transferred to the Department of the Army. The exact date of her transfer I now see is December 15, 1950. She was appointed to the Office of the Chief Signal Officer of the Department of the Army. On January 21, 1951, a new loyalty hearing was held, and she was rated eligible.

The CHAIRMAN. Let us stop there. On January 21, 1951, were you available to testify, Mrs. Markward?

Mrs. MARKWARD. It was not public knowledge at that time that I had broken with the Communist Party. However, I had an understanding with the Department of Justice that by that time I was available to testify.

The CHAIRMAN. In other words, you would not know whether you were available or not from your own knowledge. That would have been decided by the Department of Justice.

Mrs. MARKWARD. That is right. I at that time knew I was available when they decided to call on me.

The CHAIRMAN. In other words, you were no longer active as an undercover agent, so there was no reason why you could not have been available to testify at that time?

Mrs. MARKWARD. That is right.

Mr. COHN. But the fact that you did not testify, I believe the first time you testified was some time in July.

Mrs. MARKWARD. That is right, the first public testimony I gave.

Mr. COHN. I wanted to finish this chronology for Senator McClellan.

Senator McCLELLAN. That is late enough. You are down to 1951.

Senator POTTER. If there is any later, let us have it.

Mr. COHN. January 21, 1951, she is rated eligible by the Loyalty Board to continue with the Army in this sensitive position. After that point, Mrs. Markward testified in July of 1951 for the first time, and our information is that on September 11, a memo was sent by J. Edgar Hoover—September 11, 1951—to the Army and Civil Service Commission, apparently according to our information saying, "We have been advised that you have found this Annie Lee Moss to be loyal and are allowing her to continue on this job. We wish to call your attention to the fact that Mrs. Markward, who previously was a confidential informant is now available to come forward and testify" and an FBI report to that effect was formally submitted on September 27, 1951, by the FBI to the Civil Service Commission and was referred by the Civil Service Commission to the Department of the Army on November 24, 1951.

Senator McCLELLAN. What I wanted to determine is—and that information is helpful—during the Loyalty Board hearings she was not available for testimony until at least January 21, 1951; is that correct?

Mrs. MARKWARD. That is correct, sir.

Senator McCLELLAN. It is subsequent to that where the failure may have occurred that they did not call you after it was made known to them by this memorandum that counsel has referred to. They did know it from that time on that you were available to give testimony of information you had gained as an agent for the FBI and subsequently, as I understand it, the Loyalty Board did not review it or take any further action but merely referred it to the Army and the Army took no action, and she is still in the service.

Mr. COHN. Exactly, sir.

The CHAIRMAN. May I say, Senator, in the memorandum that the Army took the position that it is up to the Civil Service Commission to handle the case. The Civil Service Commission took the position that it was up to the Army to handle it. Is that correct?

Mr. COHN. Yes, I would say that is correct.

The CHAIRMAN. Mrs. Markward, we have five witnesses here in the room that have been identified by you as members of the same Communist cell to which Annie Lee Moss belonged or connected with the party at the time you were an official of the party. It is now 12 o'clock. I hate to impose upon you, but if it is agreeable to the other members of the committee, we will order the witnesses to appear tomorrow morning—and Mrs. Markward, we will ask you to appear at 10 o'clock tomorrow morning. That may be made 10:30, depending on the necessity for an executive session earlier. I think we better make it 10:30 because I fear we will have to have an executive session at 9:30. So we will ask you all to come back at 9:30 tomorrow morning.

I think we should at this time make it a part of the record that the House committee, Mr. Velde's committee, has done some excellent research in this same case, and has been doing, I think, an outstanding job, and has been just as much alarmed by this situation as we are. I would like to make it clear that our staff will continue to work with the House committee to make sure there is not any duplication of effort in this particular Communist case.

Thank you very much.

(Thereupon, at 12 o'clock noon, a recess was taken until Wednesday, February 24, 1954, at 10:30 a. m.)

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

WEDNESDAY, FEBRUARY 24, 1954

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The committee met at 10:35 a. m., pursuant to recess, in room 318 of the Senate Office Building, Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington.

Present also: Roy M. Cohn, chief counsel; Robert Francis Kennedy, chief counsel for minority; Francis P. Carr, executive director; Daniel G. Buckley, assistant counsel; Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

Mr. COHN. Mr. Chairman, we would like to note for the record at this time that we had under subpoena for executive session today a woman who has been identified publicly and frequently as one of the top Communist functionaries in the District of Columbia and her husband who has likewise been identified as a top Communist in this area. They were subpoenaed at 8 o'clock last night and spoke with the committee investigator and asked not to testify in public session today, but asked rather to talk with you.

That was done, and as you know they both indicated that since they were subpoenaed by this committee, they desired to break with the party and were willing to supply all of the information in their possession concerning Communist activities in the District.

With reference to the specific cases at hand, the woman named Annie Lee Moss was a member of the Northeast Club of the Communist Party, confirming the testimony of Mrs. Markward yesterday. That testimony you took under oath, in sworn form. Having done that, you ruled that the two witnesses would go to the Federal Bureau of Investigation forthwith and give to the FBI the benefit of all of their knowledge on the Communist conspiracy and that this committee would defer calling them or releasing their names until such time as they had given the Bureau full information.

The CHAIRMAN. May I say that is subject to the approval of the committee? I think that this is subject to the approval of the committee, naturally. We had subpoenaed these witnesses as hostile witnesses. The Bureau has been trying to get information from them for a long time. This morning they decided for the first time they would, or, rather, it was last night, and they decided that they would break with the party and would give us all of the information they have.

As you know, that is a rather emotional turmoil on the part of some who have been leaders of the party. I felt it would be a mistake to call them in public session until the Bureau or the FBI has an opportunity to get all of the information possible from them.

Senator POTTER. I think that is a wise course.

Senator JACKSON. When will they be available for testimony?

The CHAIRMAN. I would like to leave that up to the Bureau, the FBI, and let them decide when they have finished with these two witnesses, and then we will call them.

I may say that the Bureau has never been unreasonable in the past, and I am sure they will not be in this case. We only took the sworn testimony of one of the individuals this morning. That testimony will be available as soon as it can be written up. We will see how soon we can get that testimony typed up.

Mr. COHN. I have a copy of it.

The CHAIRMAN. This will not be given to the press but will be given to the members of the committee.

Your first witness, Mr. Counsel.

Mr. COHN. Mrs. Moss is the first witness.

The CHAIRMAN. The first witness is Annie Lee Moss.

Will you take that seat over to your right, please? Will you raise your right hand? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you, God?

Mrs. Moss. I do.

TESTIMONY OF ANNIE LEE MOSS (ACCOMPANIED BY HER COUNSEL, GEORGE E. C. HAYES)

The CHAIRMAN. Let me ask counsel, yesterday we understood the witness was not in such physical condition that she wanted to testify. We will not ask her to testify today unless she feels that her health is such that she can. I frankly thought, in view of the fact that she was issuing public statements yesterday, that maybe her health was good enough so that she could testify today. If you feel that her health is not such that she can testify, she will not be forced to testify.

Mr. HAYES. With respect to the public statements, Mr. Chairman, so far as I have been given to understand, the only public statement she made was because of the misrepresentation made to her that someone had come there from your committee and desired to have a picture of her, and she made a statement to that individual that probably you saw in the public press.

The CHAIRMAN. In other words, some newsman came there and said that he represented the committee and asked for a picture?

Mr. HAYES. That is right, sir.

The CHAIRMAN. That was completely improper on his part and if we find out who it is he will be held in contempt of the committee. no one can go around—and let us not have any pictures now and the witness does not want her picture taken.

Senator JACKSON. Do the pictures bother you?

Mrs. Moss. Yes.

The CHAIRMAN. We will have no further pictures. I might say, if you will help us get the name of the individual who came to you

yesterday and got the statement claiming he was representing this committee, that individual will be held in contempt of the committee. No one can do that.

Now, let me ask you this: If your health is not good and if you feel this testimony today and the strain of it will adversely affect your health, you will not be forced to testify today. Let me ask counsel: What does the doctor say?

Mr. HAYES. Let me say this to this committee: We received a summons from the House of Representatives committee which summoned her to appear before them on Saturday last. At that time, I presented to the committee a certificate from her doctor indicating that in his opinion he thought it might be adverse to her physical condition for her to come. The committee had a doctor to examine her, representing the Government, and they agreed that it was probably not advisable for her to appear on Saturday. They contacted me with respect to it and indicated their desire that she be heard at least on Monday, even though a holiday, and asked me if I would come and I told them I would try to accommodate them by coming.

We went there and went through an ordeal of about 2 hours with the lady under examination. When we came on yesterday, her condition was such that I think it was apparent that the request that was made was a legitimate one. At 11 o'clock last night, I got a call asking me—

The CHAIRMAN. May I interrupt you to say this for the benefit of your client; we do have the sworn testimony of two witnesses who know that she has been a member of the Communist Party for a long time. There are other informants who will testify to the same. I do not want to bring a woman here who is in ill health and have her run the risk of being indicted for perjury. We have too many pending cases of contempt and perjury at this time, and we are not trying to build that up.

If you feel and if the doctor has assured you that this woman's health will be affected by testifying, she will not be forced to testify this morning. I am just asking for your opinion and I will take your word for it.

Mr. HAYES. My word cannot address itself to what you have asked me because you asked me whether or not the doctor has indicated to me.

The CHAIRMAN. Let me ask you this: We have a rule in this committee that when an individual has been named as a member of the Communist conspiracy that person can come forward under oath immediately and admit or deny. You understand that. Now, in this particular case, I do not think this witness herself is of any great importance, but the thing that is important to us far beyond this witness is this: Who in the military, knowing that this lady was a Communist promoted her from a waitress to a code clerk? The information we have is that she has no special ability as a decoding clerk. We know that she has been handling classified material despite the statement issued last night by the military.

I am not interested in this woman as a person at all. I am interested in those who kept her—no pictures of this lady, please, she does not want her picture taken—I am interested in knowing who in the military kept her on and promoted her from a waitress to a decoding clerk.

Now, if she testifies this morning under oath, if she perjures herself, her case of necessity will be submitted to the grand jury. I do not want her to do that if you feel her health is such that she should not testify. So, all I am asking you is a simple question. You know the condition of your client. Do you feel she should not testify?

Senator JACKSON. Just before that, I certainly do not want the record to stand that the testimony of this witness is not important. I think the testimony of—

The CHAIRMAN. Just a minute, Senator. The testimony of this witness is important, but the thing I tried to stress is the fact that far more important than this individual who has been identified as a member of the Communist Party, infinitely more important will be the explanation of those who kept her on and promoted her. I do not have any brief for any member of the Communist Party but I can understand how this individual might join the party thinking she was doing the right thing. But I am very much interested in the Army officials and we notified the Army, you understand—

Senator JACKSON. I do say that I think her testimony—

The CHAIRMAN. On January 4, about her background, and I want to hear her testimony, but I do not want to hear her testimony if she is ill. I will not have a person who is ill before this committee, a person who is not in a position to use her best judgment. If there is perjury, I will insist upon an indictment and I do not want to do that in case someone is not feeling well. She does not look well to me.

Mr. HAYES. I can see her just as you can and I know nothing beyond that except what I have indicated to you about what the doctors have agreed upon.

The CHAIRMAN. Do they think she should not testify?

Mr. HAYES. I have not been able to contact the doctors and I was contacted last night at 11 o'clock and asked to bring the lady here. I do want to say this, Mr. Chairman—

The CHAIRMAN. I am asking you a simple question. Talk to your client there and ask her whether or not she feels she can testify today, and if she cannot, she will step down from the stand. If she feels she can testify, then I will take her testimony under oath. Just talk to her. Do you want to take her out of the room and talk to her? Take your client out of the room and talk to her, and then come back and tell us whether or not you think that she can testify.

Mr. HAYES. I will be glad to do that, Mr. Chairman. I wanted to say, if you will allow me to, that the—

The CHAIRMAN. Talk to her first and then say what you want to.

Senator JACKSON. I do not think that they ought to bother her, taking pictures.

The CHAIRMAN. Take her out of the room and talk to her.

(At this point, the witness was excused from the hearing room, and her counsel returned to the witness stand.)

The CHAIRMAN. Counsel, do you feel that her health is such that she cannot testify?

Mr. HAYES. I feel definitely that she is not in condition to testify. I call your attention to the fact that either fortunately or unfortunately the newspaper last night carried the statement that were she to say that she was not a member of the Communist Party that the matter was to be referred to the Department of Justice. Now, that

would be entirely inconsistent with what she has said to me about the situation all along.

The CHAIRMAN. Just a moment. All right, go ahead.

Mr. HAYES. I say that has put her in a position that nervously she is definitely in a position now where I feel she cannot even do herself justice even as far as thinking is concerned.

The CHAIRMAN. We do not want her to testify then. But do this, if you will: You are not a typical type of Communist lawyer that appears before this committee.

Mr. HAYES. I do not know what that means.

The CHAIRMAN. You appear to be an honest intelligent lawyer. I would like to urge you that you talk to this woman. Clearly, she has been a member of the party, and whether she has broken as of today or not, I do not know. When she regains her health, if she wants to talk to the Bureau or talk to us in confidence, I would urge that you suggest to her that she do that. There is no reason why she cannot.

Mr. HAYES. I have conferred with her, Mr. Chairman, and I will say to you as soon as she is physically able I shall be glad to get her to make a statement either to you or to the committee or in open court or elsewhere.

Senator JACKSON. There is one thing on that question. The question was: You are not a typical type of Communist lawyer that appears before the committee. Are you a Communist?

Mr. HAYES. No, sir, I certainly am not.

Senator JACKSON. I do not like that question, and I think it assumes that the witness is a Communist because he has a client here.

The CHAIRMAN. You go ahead, Senator Jackson, if you like, and protect the Communist's attorneys who have appeared before this committee. You have not been on the committee for some time, and you absented yourself—let me finish—by your own choice and you now object to my description of attorneys who have appeared here. You have no way of knowing whether that description is correct or not.

If you had been sitting with us over the past 4 months, watching members of the Communist conspiracy violating their oath as lawyers and misinforming and misadvising clients, then you would not make the statement. I made the statement because I know something about the background of this lawyer, and I have every reason to believe that he is a good loyal American.

That is why I wanted to make it clear that he is not one of the typical Communist attorneys who have come screaming in before this committee, and, Senator Jackson, if you had been sitting with us during the time you absented yourself, you would not make that statement.

Senator JACKSON. I think that your statement is uncalled for. I made my position very clear. The inference of that question was that this attorney was a Communist, and is it true that you are or are not a Communist?

Mr. HAYES. Mr. Senator, it is definitely untrue, and if I had felt the implication, I would have immediately resented the implication, but I take it from what the chairman says that he was not indicating

that I am, because, certainly, I would certainly definitely want to go on record as resenting the implication of that.

The CHAIRMAN. I think it was very clear and you and I both understood that we made it clear that you were not a Communist, is that right?

Mr. HAYES. I appreciate that, sir.

The CHAIRMAN. That is as far as I know.

Mr. HAYES. Well, your knowledge is entirely supportable, sir.

The CHAIRMAN. That is why I asked you to advise your client to tell us the truth. If you were a member of the Communist Party yourself, it would be a waste of my time advising you to tell your client what to do.

Mr. HAYES. I have indicated that my client is ready and willing to testify, and she just happens not to be able and as soon as she is able, I will see to it that she does.

Senator McCLELLAN. I believe I understand, and is this correct that she did testify before the House Un-American Activities Committee on Monday of this week?

Mr. HAYES. That is correct.

Senator McCLELLAN. At which time she was thoroughly examined and cross-examined by the members of that committee?

Mr. HAYES. That is entirely correct, sir.

Senator McCLELLAN. For my information, would you mind telling me whether she took refuge under the fifth amendment on any questions that were asked her?

Mr. HAYES. She took refuge under no amendment for any question, and she answered all questions.

Senator McCLELLAN. She did appear on Monday and testify freely and fully before another congressional committee on this same subject?

Mr. HAYES. She appeared before another congressional committee on the same subject and answered spontaneously and, I believe, sir, truthfully.

Senator McCLELLAN. Under those circumstances, I think it is quite proper not to insist that she testify today, with the assurance of the attorney that he will have her here when she is able.

The CHAIRMAN. That is very important that she return here at the very earliest date. Her testimony, I understand, before the House Committee was to the effect that she had been in close contact with a top member of the Communist Party and purchased the Daily Worker from her.

Mr. HAYES. That is not correct, sir.

The CHAIRMAN. I want it very clear now that the principal reason why I am not insisting that she testify is that the evidence be as complete and as convincing and with no question about it that she has been a member of the Communist Party. If she lies and if she perjures herself, I will ask to have her indicted. I do not want to have a sick woman before the committee and have her perjure herself.

Let me ask this: How soon do you think she can return?

Mr. HAYES. I cannot answer that, sir. I am not a physician and I do not know, sir, and I shall give you the assurance as soon as her doctor indicates to me she can come, in his opinion. The one thing that disturbs me, Mr. Chairman—

The CHAIRMAN. That is too indefinite. I want you to contact the doctor this afternoon, and I want you to contact the committee and tell the committee how soon the doctor says she can testify.

Mr. HAYES. I will be glad to do that.

The CHAIRMAN. This case is not going to be left hanging in the air.

Mr. HAYES. I will be glad to do that, sir.

The CHAIRMAN. In the meantime, I think that you are an honest lawyer and I suggest that you advise her to come in here and tell the truth.

Mr. HAYES. As an honest lawyer, I could advise her nothing other than that, but it disturbs me when I come before a committee that begins by telling me that "We have already condemned her and we have all of the evidence and there is no need of your coming because whatever happens we are going to send her to the Department of Justice." It does not seem to me that is a proper approach.

The CHAIRMAN. One moment please. As a courtesy to you, and for the protection of your client, we try to inform the attorney in each case what the situation is. We have done that for you. Now, you may step down.

Mr. HAYES. Yes, sir.

Senator JACKSON. Did you have any further statements in connection with your client?

Mr. HAYES. I simply wanted to say that it seems to me—

The CHAIRMAN. You may step down.

Mr. HAYES. I can't do what both of you gentlemen want. One asked me a question and one tells me to step down and I do not know which to do.

The CHAIRMAN. I can see your problem. Just stay there and if anybody wants to ask you a question, he can go ahead.

Senator McCLELLAN. I wanted to make the observation that it is a little unusual, maybe, that we take a lawyer's statement about the physical condition of his client rather than to insist upon a doctor's certificate. Now, we are doing that this morning and one reason I am willing to do that is because of the fact that this witness has appeared this week before another congressional committee and testified on the same subject matter. I understand that she did not take refuge under the fifth amendment or refuse to answer any of the interrogations.

Under those circumstances, I am willing to take your word for her physical condition, and otherwise, personally, I would insist upon a doctor's certificate.

Mr. HAYES. You understand my position. I simply see her in the physical condition which you see her, and I would not want—

The CHAIRMAN. May I say that I think that Senator McClellan makes a very important point, and I do not think that we should take the statement of any lawyer as final. Therefore, you will have her get a doctor's certificate and have that presented this afternoon. Unless the doctor certifies that she cannot testify, she will be back here on Friday morning at 10:30.

We would like to have that certificate at any time this afternoon, and I want to thank Senator McClellan for bringing up that point.

Senator McCLELLAN. At this point, Mr. Chairman, I have to ask to be excused from further attending this morning. The Judiciary

Committee is meeting, and it is an important matter that is to be taken up.

Mr. HAYES. Am I excused?

Senator McCLELLAN. I wanted the record to show that I have to absent myself.

The CHAIRMAN. May I thank you. I know that you have another committee with an important vote on, and I appreciate your coming over here for the time that you did this morning.

The CHAIRMAN. Miss Sally Peek?

Mr. FORER. We prefer not to have pictures taken.

The CHAIRMAN. The witness is entitled not to have her pictures taken.

Mr. FORER. That applies to the moving-picture cameras.

The CHAIRMAN. The cameras will not take pictures while she is in the room, and you cannot even take them when I am not looking.

Will you stand and raise your right hand, Miss Peek? In this matter now in hearing before the committee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss PEEK. I do.

TESTIMONY OF MISS SALLY FANNIE PEEK (ACCOMPANIED BY HER COUNSEL, JOSEPH FORER)

The CHAIRMAN. Your name is what?

Miss PEEK. My name is Miss Sally Fannie Peek.

The CHAIRMAN. Miss Peek, you are not being called this morning because of any connection you have had with the Government. You are being called because you have been named as a member of the Communist Party in the same cell or same group as Annie Lee Moss. You are called because the information indicates that you were the individual who recruited her into the Communist Party.

You are here so that you can have an opportunity to either deny that, or if it is true tell us it is true, or give us any other information that you care to give us.

Let me ask you this question: No. 1, did you recruit the lady who was just here on the stand and just left the room, Annie Lee Moss, into the Communist Party?

Miss PEEK. Will you ask that question again, please?

The CHAIRMAN. Read the question.

(The reporter read from his notes as requested.)

(The witness consulted with her counsel.)

Miss PEEK. I refuse to answer that question because of my privilege under the fifth amendment, not to be a witness against myself.

The CHAIRMAN. Are you a member of the Communist Party today?

Miss PEEK. I refuse to answer that question on the same grounds that I stated before.

The CHAIRMAN. You are not working for the Government?

Miss PEEK. No.

The CHAIRMAN. You never worked for the Government, have you?

Miss PEEK. No.

The CHAIRMAN. Do you have any brother or sisters who are working for the Government?

Miss PEEK. No.

The CHAIRMAN. Have you been active as a recruiting agent for the Communist Party?

Miss PEEK. Do you mind if he reads that, please?

The CHAIRMAN. Read the question.

(The reporter read from his notes as requested.)

(The witness consulted with her counsel.)

Miss PEEK. I refuse to answer that question on the same grounds that I before stated.

The CHAIRMAN. Senator Jackson.

Senator JACKSON. Did you see the witness this morning that appeared before the committee but did not testify, Mrs. Moss? Did you see her this morning?

Miss PEEK. The lady?

Senator JACKSON. That appeared with her counsel here?

(The witness consulted with her counsel.)

Miss PEEK. The lady that was sitting here?

Senator JACKSON. The lady that was sitting at the table where you are now?

Miss PEEK. Yes, I saw her.

Senator JACKSON. Could you identify her?

Miss PEEK. I refuse to answer that question—

Senator JACKSON. Do you know her?

Miss PEEK. For the same reason that I stated before.

Senator JACKSON. That is all.

The CHAIRMAN. Senators Potter and Mundt, do you have any questions?

Senator MUNDT. I have no questions.

The CHAIRMAN. That is all. You may step down.

You are released from your subpoena and we will not want you any further.

Mrs. Oram, please?

Is Mrs. Oram here?

Mr. FORER. We would like not to have pictures again, please.

The CHAIRMAN. There will be no pictures.

Will you raise your right hand. In this matter now in hearing before the committee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. ORAM. I do.

TESTIMONY OF MRS. CHARLOTTE ORAM (ACCOMPANIED BY HER COUNSEL, JOSEPH FORER)

The CHAIRMAN. Your full name?

Mrs. ORAM. I don't hear very well, and there is something about this public-address system.

The CHAIRMAN. Your full name is what?

Mrs. ORAM. My full name is Charlotte Oram.

The CHAIRMAN. Charlotte Oram, O-r-a-m?

Mrs. ORAM. Yes, sir.

The CHAIRMAN. Is that "Miss" or "Mrs."?

Mrs. ORAM. "Mrs."

The CHAIRMAN. Again let me say that you are not being called because of any job you have with the Government. You are being called because of testimony in regard to you in executive session.

Now, it has been testified that you had access to the records of the Communist Party in Washington, specifically of the Northeast Club of the Communist Party. Is that correct or not?

(The witness consulted with her counsel.)

Mrs. ORAM. I refuse to answer that question on the basis of my privilege under the fifth amendment, not to be a witness against myself.

The CHAIRMAN. Do those records show that Annie Lee Moss was a dues-paying member of the Communist Party?

Mrs. ORAM. I never saw her or heard the name of Annie Lee Moss until yesterday, Senator, to the best of my recollection.

The CHAIRMAN. You say you did not see her name in any records?

Mrs. ORAM. To the best of my recollection, until yesterday, I had not even heard of that name.

The CHAIRMAN. And until yesterday you say you never heard of Annie Lee Moss?

Mrs. ORAM. That is right.

TESTIMONY OF MRS. MARY STALCUP MARKWARD—Recalled

The CHAIRMAN. Mrs. Markward, may I ask you, did this woman have access to the records of the Communist Party?

Mrs. MARKWARD. She did.

The CHAIRMAN. And one other question: Do you know positively that those records contained the name of Annie Lee Moss?

Mrs. MARKWARD. They did.

The CHAIRMAN. There is no reason why this woman should not have seen the name Annie Lee Moss on the records?

Mrs. MARKWARD. There is no reason why she should not have; that is right.

The CHAIRMAN. Now, how do you spell your last name?

Mrs. ORAM. I am sorry, I don't hear you.

The CHAIRMAN. How do you spell your last name?

Mrs. ORAM. O-r-a-m.

The CHAIRMAN. Do you still have any records of the Communist Party?

(The witness consulted with her counsel.)

Mrs. ORAM. I refuse to answer that question.

The CHAIRMAN. You will be ordered to produce any records, anything in writing which you have, everything to do with the Communist Party; and you will be ordered to produce that by 2:30 tomorrow afternoon.

You understand that order?

Mrs. ORAM. No; I don't.

The CHAIRMAN. Have your lawyer explain it to you.

That will include the membership lists of the Communist Party. Do you understand that I have ordered you to produce—can't you hear me?

Mrs. ORAM. I think that I hear you, but it sounds rather strange.

The CHAIRMAN. Let me repeat it. You are ordered to produce any records which you have concerning the Communist Party, including

the membership lists. The reason for that order is that it has been testified to under oath that you have been in possession of those records and that you do have a membership list. And so you are ordered to produce that.

Now, let me ask you this question: Are you as of today a functionary of the Communist Party?

(The witness consulted with her counsel.)

Mrs. ORAM. Senator, I was subpoenaed before this committee to be a witness against some other person, and I have given you my answer concerning the person under investigation. And now it seems that you are turning this into an investigation against me and asking me to be a witness against myself. I don't think that you have any right to do that, sir.

The CHAIRMAN. You are not subpoenaed to be a witness against anyone. You were subpoenaed here to give us information in regard to the membership of the Communist Party.

Mrs. ORAM. I gave you what information I could give you about the person under investigation.

The CHAIRMAN. Now, to decide whether or not you are telling us the truth, I am asking you a few simple questions, and one is whether or not you are a functionary of the Communist Party as of today.

Mrs. ORAM. I consider that type of a question a question that is making a person the object of the investigation, and I don't consider that you have a right to ask such a question. I have given you my answer about the question that you asked that is pertinent to the investigation.

The CHAIRMAN. If you feel the answer will tend to incriminate you, you will be allowed not to answer; and otherwise you will be ordered to answer.

Mrs. ORAM. I think that I have the right to exercise my privilege under the fifth amendment.

The CHAIRMAN. You are entitled to use the fifth amendment. Let me ask you this: Is it true, to your knowledge, that members of the Communist Party have been ordered to lie whenever necessary to protect members of the Communist conspiracy?

Mrs. ORAM. I am going to refuse to answer all such questions under my privilege of the fifth amendment regardless of how fantastic the questions are. I think that you are just trying to intimidate me, and I think that you have no right to do that sort of thing.

The CHAIRMAN. I am not trying to intimidate you, young lady. You have been named as a top functionary in the conspiracy designed to destroy this Nation. If that is not true, you can easily say so. Are you a member of the conspiracy as of today?

Mrs. ORAM. I am not responsible for what other people say.

The CHAIRMAN. Are you a member of the Communist conspiracy as of today?

Mrs. ORAM. I refuse to answer all such questions on the basis previously stated.

The CHAIRMAN. Now, you are as of today the city educational director of the Communist Party, are you not?

Mrs. ORAM. I am not going to answer any of those questions, Senator. I have stated the basis on which I am refusing to answer those questions.

The CHAIRMAN. You are entitled to refuse, if you feel the answer will tend to incriminate you.

Keep in mind that an agent of the FBI, you are listening to me are you—an agent of the FBI who has been in the Communist Party for a number of years, who collected the dues, has given in detail your background as an important functionary of the Communist Party. If that is not true, you can merely say it is not true. If it is true, of course, naturally, you will invoke the fifth amendment.

I am going to ask you one more question: Will you produce tomorrow any membership list of the Communist Party which you have? (The witness consulted with her counsel.)

Mrs. ORAM. I don't have any such membership lists, Senator.

The CHAIRMAN. Do you have any records of the Communist Party?

Mrs. ORAM. I have no such records, and I think this whole thing has just been cooked up.

The CHAIRMAN. Mrs. Markward, there is no question she has access to the records of the Communist Party; is that correct?

Mrs. MARKWARD. That is correct.

The CHAIRMAN. Could I ask you if you have access to the records of the Communist Party?

Mrs. ORAM. Is that addressed to me?

The CHAIRMAN. Read the question.

(The reporter read from his notes as requested.)

Mrs. ORAM. No; I do not.

The CHAIRMAN. How about the past, have you had access in the past?

Mrs. ORAM. I refuse to answer that question, Senator, on the basis that I previously stated.

The CHAIRMAN. Did you have access to the records of the Communist Party a year ago?

Mrs. ORAM. I am just going to refuse to answer all of those questions on the basis previously stated.

The CHAIRMAN. You can refuse to answer any question if you feel the answer might tend to incriminate you. You will have to invoke the privilege as to each specific question.

Did you have access to the records of the Communist Party while Mrs. Markward, the lady sitting behind you, was a member of the Communist Party? And I should make it clear she was a member under orders from the FBI. Do you understand the question?

Mrs. ORAM. No.

The CHAIRMAN. Will you read the question?

(The reporter read from his notes as requested.)

Mrs. ORAM. I refuse to answer that question on the basis previously stated.

The CHAIRMAN. Will you turn around and look at Mrs. Markward? Did you know her as a member of your cell in the Communist Party?

Mrs. ORAM. I refuse to answer that question on the basis previously stated.

The CHAIRMAN. Mrs. Markward, have you seen this woman; is there any doubt in your mind that this is the individual you described yesterday as having access to the records of the Communist Party?

Mrs. MARKWARD. This is the same lady.

The CHAIRMAN. Thank you.

Are you employed now?

Mrs. ORAM. No.

The CHAIRMAN. Do you have any brothers or sisters working for the Government?

Mrs. ORAM. No.

The CHAIRMAN. Your husband does not work for the Government?

Mrs. ORAM. No.

The CHAIRMAN. Senator Jackson.

Senator JACKSON. Do you know Mrs. Annie Lee Moss, did you say?

Mrs. ORAM. To the best of my knowledge, I have never seen that woman before.

Senator JACKSON. Did you see the lady with her counsel here earlier who was identified as Annie Lee Moss?

Mrs. ORAM. I saw the woman as she walked in and as she walked out.

Senator JACKSON. Do you recall ever having seen that lady?

Mrs. ORAM. I do not recall ever seeing her before.

The CHAIRMAN. As a member of the Communist Party, did you ever receive orders to shield members of the Communist Party? In other words, did you ever receive orders that if you were called to testify that you would not identify other members of the party?

(The witness consulted with her counsel.)

Mrs. ORAM. I have never received orders of that kind from any source.

The CHAIRMAN. Have you attended Communist leadership schools?

(The witness consulted with her counsel.)

Mrs. ORAM. I am not going to answer that kind of a question on the basis of my privilege under the fifth amendment.

The CHAIRMAN. Did you discuss with any officer of the Communist Party the fact that you were to testify before this committee?

Mrs. ORAM. No, I did not.

The CHAIRMAN. Did you discuss it with any member of the Communist Party?

(The witness consulted with her counsel.)

Mr. ORAM. No.

The CHAIRMAN. Do you know any members of the Communist Party?

Mrs. ORAM. I refuse to answer that question on the basis previously stated.

The CHAIRMAN. Mrs. Markward, may I ask you this question: Is it correct that orders were given by the Communist Party, orders which should be known to this woman, to shield other members of the party?

Mrs. MARKWARD. Very specific orders were given to me, sir, to not identify any other member of the Communist Party before the committee or to tell any place where the funds came from or where any records were kept.

The CHAIRMAN. In the normal course this woman having been an officer of the Communist Party, she would have gotten the same orders that you received?

Mrs. MARKWARD. I would think so.

The CHAIRMAN. Would you know what offices this woman held in the Communist Party?

Mrs. MARKWARD. She was city membership director in 1943 and until I took over that post and the Communist Political Association was formed in 1944. There was a gradual transition between the

time I took over the membership records and her previous office. She maintained the control of the white-collar club records from some time before they were handed over to me. After that she had various posts.

The CHAIRMAN. I wonder if you would step down.

And, Mrs. Markward, you come up here.

Senator POTTER. I have one question before she leaves.

You stated that you didn't recognize Annie Lee Moss. Had you ever seen her name before prior to this investigation?

Mrs. ORAM. No; I did not.

Senator POTTER. And the name didn't ring a bell with you or mean anything until this investigation?

Mrs. ORAM. Not a thing.

The CHAIRMAN. Did you ever know of a Mary Stalcup?

Mrs. ORAM. I refuse to answer that question on the basis previously stated.

Senator JACKSON. I have just one question. I believe you have testified that you did not know Annie Lee Moss. Do you recall that name back in 1942 or 1943 or 1944?

Mrs. ORAM. I don't recall that at all.

Senator JACKSON. And you saw her today in the hearing room?

Mrs. ORAM. Yes.

Senator JACKSON. Did her appearance here this morning refresh your recollection in any way?

Mrs. ORAM. It was a perfectly strange person.

Senator MUNDT. Did you at any time ever see the membership records of the Communist Party?

Mrs. ORAM. I refuse to answer that question for the reasons previously stated.

Senator MUNDT. I want to ask you a question. The chairman and other members of the committee may take what course they want, but when I ask a question I want to have a complete answer; and if you want to take refuge in the fifth amendment, I want you to state the full reason why you do it.

Mrs. ORAM. Will you repeat it?

Senator MUNDT. As far as I am concerned, when I ask you a question, if you are going to take refuge under the fifth amendment, you have to do it legally and completely and totally.

Mrs. ORAM. If you want me to repeat the entire provision, I will be happy to.

Senator MUNDT. Did you at any time ever see any of the membership records of the Communist Party?

Mrs. ORAM. I am refusing to answer that question because I have the privilege under the fifth amendment not to be a witness against myself.

Senator MUNDT. That is all.

Senator JACKSON. Did you know Annie L. Moss?

Mrs. ORAM. No.

Senator JACKSON. Can you give the committee the list of the members of the Communist Party in the Northeast Club during the years 1943, 1944, and immediately prior to the dissolution of the Communist Party, as such, and its transformation to the Communist Political Association?

(The witness consulted with her counsel.)

Mrs. ORAM. I have no such—

Senator JACKSON. You have no such what?

Mrs. ORAM. I have no such list.

Senator JACKSON. Could you give the list to the committee that I requested, the list of the Communist Party members?

Mrs. ORAM. How can I give you a list I don't have?

Senator JACKSON. Did you ever have a list?

Mrs. ORAM. I refuse to answer that question.

Senator JACKSON. You do not now have the list?

Mrs. ORAM. I do not now have any such type of list.

Senator JACKSON. Of members of the Communist Northeast Club in Washington, D. C., during the years 1943, 1944, and up to the time that the Communist Party was transformed to the Communist Political Association. You do not have that list now?

Mrs. ORAM. No.

Senator JACKSON. What did you do with the list?

Mrs. ORAM. I refuse to answer that question on the basis that I previously stated.

Senator JACKSON. Do you recall the names on the list back—

Mrs. ORAM. I refuse to answer that question on the same basis.

The CHAIRMAN. I think Senator Mundt has made a good point here. I think if she wants to refuse, she should state the full grounds for the refusal each time.

Senator JACKSON. I agree she should state specifically the basis for her refusal; otherwise, the privileges do not apply.

Mrs. ORAM. Do you want me to repeat that?

Senator JACKSON. Yes.

Mrs. ORAM. I refuse to answer that question on the basis of my privilege under the fifth amendment not to be a witness against myself.

Senator JACKSON. If you do not have the list now, do you recall the names of the members of the Northeast Communist Club in Washington, D. C., during the years I have previously stated?

Mr. ORAM. I refuse to answer that question on the basis of my privilege—

Senator JACKSON. Do you recall the name of Anna L. Moss or Annie Lee Moss during the period I previously referred to?

Mrs. ORAM. As I have previously stated, I do not recall that name in any connection.

Senator JACKSON. Do you recall that name in connection referring now to a list?

Mrs. ORAM. I do not recall that name having come to my attention in any way until I appeared in your hearing room yesterday when it was first mentioned to me. I have stated that a sufficient number of times I think so it ought to be clear.

The CHAIRMAN. So the record will be absolutely clear, you saw the lady who was on the stand, Annie Lee Moss. You saw her, did you? Did you see Annie Lee Moss when she was here on the stand this morning?

Mrs. ORAM. You say that was Annie Lee Moss on the stand this morning?

The CHAIRMAN. Did you see the lady on the stand?

Mrs. ORAM. I saw the lady who come in this morning.

The CHAIRMAN. Whom we call Annie Lee Moss. Did you see her?

Mrs. ORAM. I saw her as she came in. I didn't get a very good look at her.

The CHAIRMAN. Can you state now under oath that you have never seen her before?

Mrs. ORAM. To the best of my recollection I have never seen her before.

The CHAIRMAN. You may temporarily step down. I would like Mrs. Markward to take the stand.

Mrs. Markward, will you tell us what the records of the Communist Party showed in regard to Annie Lee Moss?

Mrs. MARKWARD. The records of the Communist Party, the ones which were kept continuously in the club, showed her name, address, regularity of her dues payments, whether or not she subscribed to the Daily Worker, and her attendance at meetings. Also periodically once a year a registration of Communist Party members was taken, when each member had to fill out a card stating their name, their occupation, their sex, race, the union or mass organization they belonged to, and that sort of descriptive material. That was kept and forwarded on to district and national headquarters.

There was also, I might say, a card in 1943 and 1944 in addition to the club record, the city membership director had a card file on each member of the Communist Party in Washington, D. C.

The CHAIRMAN. The other day I believe you testified that the records showed that there were 280—is that the correct figure—in the Northeast Communist Club?

Mrs. MARKWARD. I believe I said there were approximately that many in the Communist Political Association. I prefer not to be pinned down so exactly on that figure, because it varied from day to day. That was about the best average figure.

The CHAIRMAN. Let me ask you this: You did not, of course, personally know the two-hundred-odd members of that particular Communist club?

Mrs. MARKWARD. I did not know quite all of them, sir.

The CHAIRMAN. But as far as the woman who was just on the stand, you did know her personally. There is no question in your mind she was the individual you described?

Mrs. MARKWARD. I worked with her very closely over a number of years.

The CHAIRMAN. Annie Lee Moss was here on the stand this morning. Let me ask you, Is she one of those you worked closely with so you recognize her face, or do you merely recognize her from the record?

Mrs. MARKWARD. She had her face rather well wrapped up. I didn't really get a good look at her this morning. That being the case, I cannot positively swear that I know her or personally knew her. But from the general description that I have had, it is entirely possible or probable that she is the person.

The CHAIRMAN. Let me say for your information we subpoenaed this morning one of the important officers of the Communist Party, an individual who has been a Communist until at least last night. They appeared this morning and said they had decided to break with the

party. They didn't want to appear in a public session because the decision was just made in the last few hours. They are down now with the FBI.

I might say they have confirmed your testimony in detail about Annie Lee Moss. I thought you might be interested in knowing that. They will be very valuable insofar as the Bureau is concerned.

Counsel, I think, has gone over with you just exactly what the records have shown in regard to Annie Lee Moss. I am going to ask Mr. Cohn to go into that in detail with you if he will.

Mr. COHN. Mrs. Markward, I believe you told us that when you were an officer of the Northeast Club of the Communist Party, you had possession or access to its reports, is that right?

Mrs. MARKWARD. That is correct.

Mr. COHN. And you told us yesterday that those records showed that Annie Lee Moss was a card-carrying, dues-paying member of the Party?

Mrs. MARKWARD. That is correct.

Mr. COHN. Do you recall now, and did you report to the FBI at the time, anything else which the record showed about Annie Lee Moss, anything about her general description, occupation, residence, and things of that kind?

Mrs. MARKWARD. My recollection of what I reported at the time, and her record showed, was that at that time she was approximately 38 years old, she was a cafeteria worker in the Pentagon cafeteria, that she lived in the vicinity of Second and F Streets Northeast. I am thinking in this case of the last days certainly, and to the best of my recollection one of her addresses was either 216 or 18 F Street, as well as the Second Street address, and that she was an American Negro woman.

Mr. COHN. In other words, Mr. Chairman, the facts given by Mrs. Markward from her viewing of the records of the Communist Party, and what she reported to the FBI, I believe, coincide exactly with Annie Lee Moss insofar as address, occupation, race, and all other salient features.

The CHAIRMAN. May I ask, counsel, has the Army ever denied that this is the same Annie Lee Moss?

Mr. COHN. No, I think they confirmed that yesterday in their statement by stating that they transferred her, that she had been under loyalty investigation by them based on the same information.

The CHAIRMAN. In other words, just so this is absolutely clear, am I correct in this, that no one, so far as you know, in any intelligence agency or in the military has questioned the fact that the Annie Lee Moss identified by Mrs. Markward is the identical Annie Lee Moss who was promoted from a waitress to a code clerk in the Pentagon?

Mr. COHN. There is no question whatsoever, Mr. Chairman, and no question has been raised by anybody concerned, or anybody else.

The CHAIRMAN. Let me ask you this, Mrs. Markward, and you may not have any idea and I do not know. The thing that impresses me somewhat is the fact that you have a lady here, Annie Lee Moss, who apparently has no special qualifications insofar as educational background is concerned. She was working in the cafeteria and suddenly we find her handling material in a communications room, encoded, decoded messages. Can you give us any idea as to why that sudden promotion for this woman, or would you have any way of knowing that?

Mrs. MARKWARD. I have no way of knowing that.

The CHAIRMAN. It seems rather unusual, does it not?

Mrs. MARKWARD. Yes.

Senator JACKSON. Mrs. Markward, a couple of questions because I am a little confused here. As I understand it, in the northeast club that you say Mrs. Annie Lee Moss was a member, there were only 30 members, is that correct?

Mrs. MARKWARD. I believe I have publicly identified approximately 30 members. In the spring of 1944 to the best of my recollection, the number reached approximately 75.

Senator JACKSON. But the Communist political association with two hundred and thirty odd members was for the whole city?

Mrs. MARKWARD. That was for the whole city of Washington. Those were the card-carrying members in Washington. That does not include the members who were in the underground, the Government employees and so forth.

Senator JACKSON. Yes, but what I am trying to get straight in my mind, Annie Lee Moss joined the Communist Party Northeast Club.

Mrs. MARKWARD. That is right.

Senator JACKSON. In 1943, was it, or about that time?

Mrs. MARKWARD. To the best of my recollection, that is right.

Senator JACKSON. And then later all of the clubs in the city were brought into the Communist political association when they dissolved the Communist Party in—when was that, 1944?

Mrs. MARKWARD. That is correct.

Senator JACKSON. And at that time there were two hundred-odd members in the entire city?

Mrs. MARKWARD. That is right.

The CHAIRMAN. Could I interrupt there for 1 minute? I think it should be clear when you are referring to two hundred-odd members, you are referring to those who were permitted to carry cards.

Senator JACKSON. She testified to that.

The CHAIRMAN. And anyone in Government would not be permitted to carry a card.

Mrs. MARKWARD. That is correct.

The CHAIRMAN. So the 238 or whatever the figure is—pardon me for using that—the two hundred-odd, let us say, are individuals in addition to those who worked for the Government.

Mrs. MARKWARD. I have to amend that just slightly. We did have a club of members who worked in the Navy yard at that time. They were employed in the Government and were a part of the regular organization. They were registered just the same as other party members were. Just for the record, I didn't want to say that there were no Government employees in the party.

The CHAIRMAN. Why were those Navy employees not covered by the general rule of the Communist Party that no Federal employee be known as a member?

Mrs. MARKWARD. I never had it too clearly explained to me, but the best explanation I got was that they were machinists, workmen, and that the underground party dealt mainly with the more intellectual, the white-collar worker, the different type of people.

Senator JACKSON. Now, you have stated in connection with the records that you kept the attendance of the members of the Communist Party was also maintained.

Mrs. MARKWARD. That is right.

Senator JACKSON. I wonder if you can supply for the committee the full information on the attendance record of Mrs. Annie Lee Moss?

Mrs. MARKWARD. Sir, it has been a long time, and my recollection is just not clear enough for me to make a direct statement on that. I have had no access to my records. When I turned it over to the FBI, that was it. I didn't have a chance to look at it again. Undoubtedly I told them if and when she attended a meeting, and I attended a meeting, I said she was there. But I had no chance to have access to any of that information to refresh my recollection.

Senator JACKSON. It would be very helpful to the committee to know if she attended one meeting or several.

Mrs. MARKWARD. I am very interested in that myself, but as I say, I just don't have the opportunity to see the record I made at the time. I did not keep my personal record. My memory is not sufficient to make a definite statement one way or another.

The CHAIRMAN. However, you did report to the FBI almost daily at this point?

Mrs. MARKWARD. I did.

The CHAIRMAN. So, Senator, that information, I assume, has been made available to the military by the FBI.

Senator JACKSON. I think it would be helpful to have it. I do not see there is anything confidential since we have gone into the point that she is alleged to be a member of this northeast club. I think it becomes quite important in connection with future questioning to know whether she attended meetings, and how many she attended, and how long she paid dues.

The CHAIRMAN. May I say we will be glad to ask for that record. As the Senator knows, I have had some difficulty in the past in getting certain records.

Mr. COHN. Mrs. Markward, can you help Senator Jackson on the question of payment of dues? Do you have any recollection on that?

Mrs. MARKWARD. No, sir.

Mr. COHN. You do not recall over what period of time dues were paid?

Mrs. MARKWARD. No; I do not. But I do know it was more than one time. It was over a considerable period of time, but I can't give a definite statement.

Mr. COHN. She did pay dues over a considerable period of time; is that right?

Mrs. MARKWARD. That is right.

Senator MUNDT. In the records that were kept by the Communist Party, was a separate list kept for those who subscribed to the Daily Worker or did membership in the Communist Party automatically bring the Daily Worker?

Mrs. MARKWARD. It did not. When I joined the party, they had a club plan where you could pay 50 cents a month to the club treasurer, and the Daily Worker would come to you. But they did away with that, and it was delivered by individual subscription. The club was always eager to know whether the individuals were reading the Daily Worker, and were familiar with its policies.

Senator MUNDT. A separate treasury was kept in the club for the subscription to the Daily Worker?

Mrs. MARKWARD. That is right, and the Daily Worker and the Communist Party were in the same office in downtown Washington, and there they kept a list of the Worker subscribers.

Senator MÜNDT. Did they have any subscribers on the Daily Worker lists who were not members of the Communist Party?

Mrs. MARKWARD. Oh, yes.

Senator MÜNDT. And vice versa?

Mrs. MARKWARD. Of course, you have all the intelligence agencies and many Senate committees, and people like that are interested in reading the Daily Worker to find out what they are saying. In Washington that helped to swell the circulation figures considerably.

Senator MÜNDT. Do you recall whether Annie Lee Moss was a subscriber to the Daily Worker in addition to being a member of the Communist Party?

Mrs. MARKWARD. I can't recall specifically.

The CHAIRMAN. Let me ask, Mr. Cohn, has Annie Lee Moss admitted subscribing to the Daily Worker?

Mr. COHN. I believe that will be covered in her testimony, Mr. Chairman. She has admitted to receiving the Daily Worker and subscribing to it from Robert Hall, who was one of the top leaders in the Communist Party in the District of Columbia. But that is gone into in detail in her testimony.

The CHAIRMAN. May I say, and I want to make it very clear, that I think subscription to the Daily Worker does not mean you are a member of the Communist Party. It so happens that I look at it very regularly and the louder they scream, the more I am sure we are hurting the Communist Party. So I am rather curious to read it myself.

Mr. COHN. Who was Robert Hall? Do you know him?

Mrs. MARKWARD. Robert Hall was the Daily Worker editor in Washington.

Mr. COHN. In Washington?

Mrs. MARKWARD. That is right.

Mr. COHN. He was editor of the Daily Worker in Washington?

Mrs. MARKWARD. That is right.

Mr. COHN. Was he one of the top functionaries of the party here as such?

Mrs. MARKWARD. He was a member of the District committee. He also sort of was the—or appeared to be a sort of watchman for the national committee. He sat on the control board when there was a question of discipline in the party and generally helped with the investigation and did that type of overall—

Mr. COHN. Now, Mrs. Markward, our records show that Annie Lee Moss for a period of time resided with a woman named Hattie Griffin, at 639 Second Street NE. Did you know Hattie Griffin?

Mrs. MARKWARD. I did.

Mr. COHN. Did you know her as a Communist Party member?

Mrs. MARKWARD. She was.

Mr. COHN. The record showed Mrs. Moss resided with her at 639 Sixth Street NE., for a period of time. Does that address mean anything to you?

Mrs. MARKWARD. That was the address where I knew Hattie Griffin and we did hold Communist Party meetings in her home.

Mr. COHN. At that very place?

Mrs. MARKWARD. That is right.

The CHAIRMAN. One other question. I realize you do not know every individual who belongs to the Communist Party who is in the city of Washington. Did you ever by any chance know Andrew Older?

Mrs. MARKWARD. From the records, also, sir, he was identified to me as a member of the Robert Hall Club of the Communist Party in Washington. In other words, it was a club composed mainly of newspapermen. He and his wife both.

The CHAIRMAN. Do you know what his assignment was in the party?

Mrs. MARKWARD. No, I don't.

The CHAIRMAN. I wonder if you would do this: I think this should be gone into in executive session, but I wonder if you would try and recollect and give us the names of all the members of that particular branch of the Communist Party?

Mrs. MARKWARD. I will.

The CHAIRMAN. Could you do that?

Mrs. MARKWARD. Yes.

The CHAIRMAN. That particular club was composed of what—just newsmen?

Mrs. MARKWARD. Essentially it was. There were 1 or 2 wives in the club which did not exactly fit that description. But 96 percent of them were newsmen.

The CHAIRMAN. If you would do that, I would appreciate it very much. We have received lists from various other witnesses, and we would like to keep a cross check. So, will you give us that list?

Mrs. MARKWARD. I would be glad to.

The CHAIRMAN. Mrs. Markward, that will be all for the time being.

Mr. COHN. Did you know Hattie Griffin's husband?

Mrs. MARKWARD. I did.

Mr. COHN. Our information is that one of them is dead, Mr. or Mrs. Griffin. Do you know what that is?

Mrs. MARKWARD. I heard the other day that Hattie Griffin is dead. I don't know that of my direct knowledge.

Mr. COHN. Is her husband still alive?

Mrs. MARKWARD. I don't know.

Mr. COHN. Was he a member of the Communist Party?

Mrs. MARKWARD. He was.

Mr. COHN. Was he present at any of the meetings at this address at which Mrs. Griffin and Annie Lee Moss resided?

Mrs. MARKWARD. I know he was present when Mrs. Griffin was there. Again I say I could not definitely say Mrs. Moss was there.

The CHAIRMAN. I think Senator Mundt has made a good suggestion. I think either Mr. or Mrs. Griffin should be subpoenaed. Let me ask you this one other question. Mrs. Oram was on the stand and said she did not know Annie Lee Moss. As you heard, she would not give us any information with regard to the other Communists known to her. Is it correct to assume that she has received orders from the Communist Party not to expose any individuals who are members of the Party?

Mrs. MARKWARD. That is—

The CHAIRMAN. Is that a standing order of the party?

Mrs. MARKWARD. That is a standing order of the party, that if you do, you are no longer a member of the party. You are automatically expelled in support of their rules not to divulge the secrets of the party. The membership list is one of their most precious possessions, not just a physical list, but a list which is——

The CHAIRMAN. There is one other question, Mrs. Oram. Mrs. Oram, I am not sure whether you will answer this question, or refuse to answer it if it is asked. Are you a member of the Communist Party today?

Mrs. ORAM. I would refuse to answer that question on the basis of my privilege under the fifth amendment.

The CHAIRMAN. That will be all, Mrs. Markward, I want to thank you very, very much for being of considerable help to the committee.

Mr. COHN. Mr. Chairman, I want to tender one more thing in the record. It is a letter to the Army from the Civil Service Commission, indicating that at the time of Mrs. Moss' appointment the Army stated to the Civil Service Commission the position which she was to hold was to be a sensitive position and that she was raised. I would like to further indicate that our records show Mrs. Moss was working not only with coded messages, but with coded messages that had been translated, and were in what is known as "in clear" rather than in code. She was working with both kinds, both transmitting and receiving, and had a clearance to handle secret messages.

Mr. CHAIRMAN. Let me ask you this, Mr. Cohn: Since the committee has ordered this woman to appear, I understand she has been transferred to different work, I believe as of February 9 or February 5. I do not recall which. Do you know what work she is doing now, or have we been informed?

Mr. COHN. I believe in the last few days or week or so she has been in the supply room of the Signal Corps and has been transferred from the sensitive position.

The CHAIRMAN. In other words, as of today she is not handling sensitive work or any encoded or decoded matter?

Mr. COHN. I believe the Army statement is that she has not been since the 5th of this month.

The CHAIRMAN. We will recess until 10:30 tomorrow morning, at which time Mr. Stevens will appear.

(Thereupon at 12 noon, a recess was taken until Thursday, February 25, 1954, at 10:30 a. m.)

APPENDIX

EXHIBIT No. 19

SURVEY
3 March 1950

	Page
ARMY COMMAND AND ADMINISTRATIVE COMMUNICATIONS AGENCY	5
Telegraphic-typewriter Operator (Semi-Automatic) Class Act GS-385	4
/s/ J. H. DONAGHY	4/6/50
Position No. s-108 allocated by OCSigO	9/3/49
CSC Standard for Telegraphic-Typewriter Operating Series, August 1943:	

JOB CONTROLS

1. Verbal instructions are received from a Higher grade employee on problems encountered. Work is checked for conformance with procedures and for accuracy.
2. Written guides consist of flexoline records containing routine information as well as Branch, Station, and Unit orders and Memoranda, Operational Instructions, etc., covering in-station procedures.

MAJOR DUTIES

1. RECEIVING MESSAGES OVER RADIO OR WIRE CIRCUITS FROM STATIONS ALL OVER THE WORLD: Examines messages received in tape form in code and clear text from Receiving Banks, to determine coherence thereof, whether numbers are in correct sequence, correctness of time and date group, precedence, and whether complete, and to determine from procedure headings how the message should be disposed of, i. e., proper routing according to transmitting channel and call signs on the messages, precedence, whether it is a multiple address message requiring routing to Manual Teletype Unit for duplicate tapes, etc.; when necessary, logs messages according to number, precedence, identification call and number, directional call, group count, date and time of message. Messages received in code must be more carefully scrutinized inasmuch as it is more difficult to detect omissions or errors in coded letter or number groups. Processes high precedence messages immediately by handcarrying to overseas desk for quick routing. If messages are garbled, incomplete, or if numbers are not in correct sequence, refers to supervisor for clarification or contact with transmitting station to obtain reruns. When stragglers are received (messages received out of sequence between other messages), refers to supervisor or sends message to transmitting station notifying them of straggler and requesting explanation. Recognizes misroutes and missent messages, and refers to supervisor for disposal. Reports faulty equipment operation to supervisor.
2. FINAL DISPOSITION OF MESSAGES: As workload requires, ascertain and records final disposition on messages addressed to this station and originating overseas or by State Department, Army Security Agency, Central Intelligence Agency, General Staff, etc., to determine that final disposition has been completed by the communication Center on such messages. This requires contact with various Groups of Manual Teletype Unit (where messages are routed for determining and effecting disposition action) to ascertain nature of disposition and disposition number, i. e., whether messages were forwarded for local delivery to various Government Agencies in Washington, refiled commercially, routed to Crypto Center or Staff Communication Branch (General Staff). If necessary, performs research through the various file of Manual Teletype Unit to locate disposition actions, including commercial circuit files, misrouted files, staff Communication Branch files, etc.

3. CHANNEL CHECKING: As assigned by supervisor, makes channel checks on circuits which involves contacting and informing distant stations at periodic intervals of number of messages sent and received since previous channel check, and requesting verification of figures. Upon receipt of acknowledgment, makes proper notation on message sheets. If no reply is received or if number of messages disagree, notifies supervisor who makes further investigation to determine reason therefor. Acknowledges channel checks made by other stations by answering queries as to number of messages received and sent to those stations.

4. TRANSMITTING MESSAGES OVER RADIO OR WIRE CIRCUITS TO STATIONS ALL OVER THE WORLD: Transmits messages by removing tapes from washboard, ascertaining correctness of routing indicators, and placing tapes in proper transmitting positions; watches tapes to insure that they do not become tangled, since any stoppages would result in garbled messages. If tapes do get tangled, stops transmitter, and refers to supervisor. Logs channel numbers under which messages were sent out.

Performs other incidental duties as assigned.

NOTE: Performance of the foregoing duties requires a knowledge and application of Semi-Automatic message routing, receiving and transmitting procedures. e. g. order of transmission of tape messages; operation on Non-automatic Type transmitters (Tab type); tape markings (indications of tape handling); incoming message reception (receiving Domestic Bank positions); message reception (overseas Receiving Bank positions); recognition, recording, and disposition of encrypted messages destined to or received from the Crypto Center; recognition, recording, and disposition of special-type originating and refile messages; etc. This position also required the application of codes for designating channels (A-Able, B-Baker, C-Charlie, D-Dog, etc.); sending and receiving on a circuit on which numerous stations are located and circuit interruptions are frequent, etc.

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HEARINGS
BEFORE THE
PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
S. Res. 189

PART 9

MARCH 1 AND 5, 1954

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ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

(On March 1, 1954, Pvt. David LaPorte Linfield and Mr. Sidney Rubinstein testified in executive session during hearings held by the Senate Permanent Subcommittee on Investigations on Army Signal Corps—Subversion and Espionage. This testimony was made public on March 2, 1954, by members of the subcommittee and follows below.)

MONDAY, MARCH 1, 1954

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

EXECUTIVE SESSION—CONFIDENTIAL

The subcommittee met (pursuant to S. Res. 189, agreed to February 2, 1954) at 10:30 a. m., room 357, Senate Office Building, Senator Joseph R. McCarthy, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas.

Present also: Francis P. Carr, executive director; Roy M. Cohn, chief counsel; Robert F. Kennedy, chief counsel for the minority; Daniel G. Buckley, assistant counsel; Ruth Young Watt, chief clerk.

Present also: Mr. John G. Adams, counsel, Department of Defense.

Mr. ADAMS. I would like to say I will never be here other than as representative of the Secretary and the Army, and if an individual witness is defending actions of the Army, I might sit with him.

TESTIMONY OF PVT. DAVID LaPORTE LINFIELD, ACCOMPANIED BY MORTON FRIEDMAN, ATTORNEY AT LAW

The CHAIRMAN. In the matter now in hearing do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Private LINFIELD. I do.

The CHAIRMAN. Will you state your full name?

Private LINFIELD. David Linfield. Senator, I would like to read a statement. I object to the jurisdiction of the committee—

The CHAIRMAN. First, may I say the last time you were before this committee you were informed the rules of committee require that you must submit any statement 24 hours in advance. We will hear your statement this morning. However, in the future if you appear here

again, unless you submit any statement 24 hours in advance it will not be received.

Mr. FRIEDMAN. He was not so informed the last time.

The CHAIRMAN. Could we have counsel's name and address for the record.

Mr. FRIEDMAN. Morton Friedman, 401 Broadway, New York City.

Private LINFIELD. I object to the jurisdiction of the committee on these grounds: That the committee has no jurisdiction over the subject matter of the inquiry, and that there is no proper legislative purpose to this inquiry.

The CHAIRMAN. Thank you.

Mr. COHN. Mr. Linfield, are you in the Army?

Private LINFIELD. Yes, sir.

Mr. COHN. You are a private?

Private LINFIELD. Yes, sir.

Mr. COHN. When were you inducted?

Private LINFIELD. In April 1953.

Mr. COHN. And are you a member of the Communist Party?

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

Mr. COHN. Are you engaged in espionage?

Private LINFIELD. No.

Mr. COHN. Now, where are you stationed at the present time?

Private LINFIELD. Right now I am in Fort Myer, but that is only on temporary duty.

Mr. COHN. For how long a period of time have you been at Fort Myer?

Private LINFIELD. I think I came there last Saturday.

Mr. COHN. Where were you before that?

Private LINFIELD. Fort Dix.

Mr. COHN. Now, while at Fort Dix, did you attend Communist Party meetings?

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

Mr. COHN. Did you attempt to recruit other military personnel in the Communist Party?

Private LINFIELD. I decline on the basis of the fifth amendment.

Mr. COHN. Have you attended Communist Party meetings within the last week?

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

Mr. COHN. Have you attempted to recruit other military personnel in the last week?

Private LINFIELD. That is really an internal matter for the Army to consider, and I decline to answer on the basis of the fifth amendment.

The CHAIRMAN. You say it is an internal matter for the Army, is that your answer?

Private LINFIELD. I said two things, Senator. That is an internal matter for the Army to consider and I decline to answer on the basis of the fifth amendment.

The CHAIRMAN. Is there anyone in the military you will give that information to? That is, whether or not you attempted to recruit military personnel for the Communist Party?

Private LINFIELD. I don't understand the question, Senator.

The CHAIRMAN. You said it was an internal subject for the Army when we asked you whether or not you attempted to recruit other soldiers. Is there anyone in the Army—any private, general, or major to whom you will give the information disclosing your activities in the Communist Party?

Private LINFIELD. One moment while I think about this Senator.

Senator, it is not for me to know who the proper authority is who may properly ask me that question and I claim the fifth amendment on that question.

The CHAIRMAN. Have you ever given anyone in the Army this particular information? Is there anyone you can think of today you have given the information to? It is rather important information to know who in the military belongs to the Communist apparatus. The question is, will you give the information to the Army? You have stated you will not give it to this committee.

Private LINFIELD. I believe that is the same question that you just asked me, Senator. I don't see the difference.

The CHAIRMAN. What is your answer to it? I will rephrase it.

Is there anyone in the military whom you are willing to give whatever information you have about the Communist conspiracy?

Private LINFIELD. Well, it is up to the military to ask me the questions they desire to ask, and I decline to answer your question on the basis of the fifth amendment.

Senator POTTER. Will you give it to G-2?

Private LINFIELD. As I say that would be—the question refers to an internal Army matter and the specific question I decline to answer on the basis of the fifth amendment.

Senator POTTER. We have jurisdiction in this field. You are declining to answer us on that question but you are leaving doubt as to whether you would give that information to the Army.

Now, we are asking you: Will you give information you have about the Communist conspiracy to G-2 of the Army? That is a question that you can answer "Yes" or "No" or decline to answer.

(Off-record discussion.)

Private LINFIELD. Could you please repeat the last question?

Senator POTTER. The question is: You stated you won't give this committee—you are using the fifth amendment as a reason for not giving information to this committee as to whether you recruited military personnel in the Communist Party, but you inferred by your answer you might give it to the Army. You inferred you might give it to the military. My question to you is: Will you give that to the military, G-2? That is the branch of the military service which has authority to inquire into this field. My question is: Will you give this information to the military?

Private LINFIELD. I haven't said that I have such information and I decline to answer your question on the basis of the fifth amendment.

The CHAIRMAN. Has anyone in the military asked you any questions about alleged Communist activities on your part?

Private LINFIELD. That is an internal Army matter.

The CHAIRMAN. You are ordered to answer the question. The question was merely whether some of the Army has asked you—

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

The CHAIRMAN. Let the record show the Chair ordered the witness to answer the question and he still declined.

Mr. COHN. Before you entered the Army, Private Linfield, did you ever work for the Federal Telecommunications Laboratories?

Private LINFIELD. Yes, sir.

Mr. COHN. Did you ever do any Government work?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

Mr. COHN. You had a secret clearance?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

The CHAIRMAN. I think the record discloses that he had a secret clearance at the Federal Telecommunications Laboratories from the Army Signal Corps. The secret clearance was effective in June of 1952 and I don't know how long thereafter.

Is it your opinion that he can rightfully invoke the fifth amendment on this question, Counsel?

Mr. COHN. I don't think he can. I think that is a matter of public record.

Senator McCLELLAN. The Federal Telecommunications Laboratories does Government work?

The CHAIRMAN. The Federal Telecommunications Laboratories does classified work for the Government.

Senator McCLELLAN. Then that would be clearance for handling military secrets?

The CHAIRMAN. That is right.

You are ordered to answer the question.

Private LINFIELD. I continue to decline, Senator.

The CHAIRMAN. Did you work on Army Signal Corps work when at Federal Telecommunications Laboratories?

Private LINFIELD. That is practically the same question and I decline on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer.

Private LINFIELD. I decline on the basis of the fifth amendment.

The CHAIRMAN. So the other members of the committee will know what the chairman has in mind, I take the position when the witness says he has never committed espionage he has waived any privilege as far as handling of secret material, and also, it is a matter of public record that he handled it. After he said he has not committed espionage, then he cannot invoke the fifth amendment as to any area of espionage—just so you will know why I am ordering him to answer.

Mr. COHN. When at Federal Telecommunication Laboratories, were you in a Communist cell with Harry Hyman?

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

Mr. COHN. Did you know Harry Hyman was engaged in espionage?

Private LINFIELD. I have no knowledge of espionage agents or activities.

Mr. COHN. Did you discuss the work you were doing at the Federal Telecommunications Laboratories with Harry Hyman?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer the question.

Private LINFIELD. I decline to answer the question on the basis of the fifth amendment.

The CHAIRMAN. You say you never knew or had reason to believe Harry Hyman was engaged in espionage?

Private LINFIELD. I said I have no knowledge of espionage agents or their activities.

The CHAIRMAN. Then you are ordered to answer the question.

Private LINFIELD. Would you please repeat the question, Senator.

The CHAIRMAN. Did you ever know or have any reason to believe that Hyman was an espionage agent?

Private LINFIELD. I never had any reason to believe that anybody was ever an espionage agent, and I decline to answer your question on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer it.

Private LINFIELD. I decline on the basis of the fifth amendment.

Mr. COHN. Did you discuss your secret work with Harry Hyman?

Private LINFIELD. I decline on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer the question.

Private LINFIELD. I decline, Senator.

Mr. COHN. Did you ever discuss secret work at meetings of the Communist Party?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer.

Private LINFIELD. I decline, Senator.

The CHAIRMAN. A little louder, please.

Private LINFIELD. I decline, Senator.

The CHAIRMAN. Do you know anyone in the military now who is engaged in recruiting other military personnel into the Communist Party?

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

The CHAIRMAN. Do you believe in the principles of the Communist Party?

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

The CHAIRMAN. Did you know that the Communist Party is dedicated to the destruction of this Nation by force and violence?

Private LINFIELD. I don't think, Senator, you should ask me questions on beliefs or opinions and I decline to answer the question on the basis of the fifth amendment.

The CHAIRMAN. I am not talking about beliefs or opinions. I am asking you as a fact whether it is known to you that the Communist Party is dedicated to the destruction of this Nation by force and violence?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

Senator MUNDT. Mr. Chairman, let me inquire: You are a private in the United States Army?

Private LINFIELD. That is correct.

Senator MUNDT. Haven't you ever been given any literature or indoctrination courses or briefing lessons from the Army telling you that the Communist conspiracy is dedicated to the overthrow of this Government?

Private LINFIELD. Could you put that question again, sir?

Senator MUNDT. Would the reporter read the question?

(The reporter read the question.)

Private LINFIELD. I claim the fifth amendment on the question, Senator.

Senator DIRKSEN. May I—

The CHAIRMAN. Just to have the record complete I would like to order the witness to answer Senator Mundt's question as to whether he received certain material from the Army. It is the position of the chairman the witness cannot invoke the fifth amendment privilege on that question.

You are ordered to answer the question and I assume you decline.

Private LINFIELD. That is right.

Senator DIRKSEN. I was going to say for the benefit of the witness, we are asking for statements of fact and not for expressions of opinion or views. The question is simple. While you were in the Army did you receive any courses of any kind or any literature that teaches that the Communist philosophy is dedicated to the overthrow of this Government by force and violence. If you did not, it is a statement of fact, not opinion. It seems to me, Linfield, that the line shouldn't be drawn quite so finely. The question merits an answer.

Private LINFIELD. The proper authority to ask on that would be the training officer or proper Army authority.

Senator MUNDT. The proper person to ask would be the person who received it. We don't want to know whether they had the material available. Just about a week ago the Army was given the national award for their fine course of indoctrination. The course isn't any good unless it gets down to the private. I am asking you, did you get it.

If you don't want to answer and want to be in contempt of the committee, it is up to you. It is a question of fact.

Let the record show the witness consulted with his attorney.

Private LINFIELD. I received certain lectures or courses or talks with other military personnel on the question of communism or Russia—or along those lines.

Senator MUNDT. Did those courses or lectures on communism teach you that it was a conspiracy dedicated to world aggression and to overthrowing our way of life in this country?

(Witness consults with counsel.)

Private LINFIELD. Senator, yes, in general along those lines.

Senator MUNDT. All right. You received those. Did you disbelieve them? You say now you don't know whether communism is that or not.

Private LINFIELD. Could you repeat the questions?

Senator MUNDT. Did you disbelieve the lectures you got?

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

Senator MUNDT. I presume if you were a Communist and they gave you lectures on that subject, you would naturally rebel against them and reject them, or perhaps follow the Communist line and refuse to answer. Could you think of any reason why a good, loyal American boy would refuse to answer whether or not he accepted or rejected the Army's briefing on the subject?

Private LINFIELD. Would you repeat the question, please?

Senator MUNDT. Would the reporter read the question?

(The reporter read the question.)

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

Senator DIRKSEN. Mr. Linfield, you testified just now you did receive literature, some lectures, that sort of thing along the general lines of the subject discussed here. You have received those?

Private LINFIELD. I testified I received literature or lectures or talks, some information, indoctrination along those lines. I wasn't specific as to what that was.

Senator DIRKSEN. If you listened to the lectures, I infer from your answer that means you doubtless are familiar with the general content of the lecture. You knew what it was about. If you sat in a classroom in the Army and heard a lecture along those general lines, you would know pretty well what the lecture was about.

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer the question.

Senator DIRKSEN. You are surely not confessing to yourself or the committee that you sat in those lectures, lecture hall, and listened to the lecture on certain principles of government, forms of government, and not know what it is about.

Mr. FRIEDMAN. That is purely a legal thesis, and calls for operation of the witness' mind, and is objectionable on that ground.

Senator DIRKSEN. The witness testified he received some literature?

Private LINFIELD. I did not so testify, sir. I said "literature or talks or briefings or something."

Senator POTTER. What did you receive?

Senator DIRKSEN. Then you received some literature?

(Witness consults with counsel.)

Senator DIRKSEN. That is purely a mechanical matter and doesn't involve an opinion of the witness. You have to qualify the witness in this sense. The chairman hands me this. The question is: Did I read it? What I want to know, after he received the literature, did he read it?

That is not a question of opinion. It is a question of fact. If you received lectures or literature, did you examine the literature? That you can answer "Yes" or "No."

Private LINFIELD. Well, I testified, Senator, that I received literature or lectures or talks.

Senator DIRKSEN. Receiving literature is one thing. If you stuck it in your pocket and when you got over to the barracks you threw it in the wastebasket or put it in the stove—did you look at the literature after you got it? That is not a matter of opinion. Did you or didn't you?

(Witness consults with counsel.)

Private LINFIELD. Senator, I don't remember receiving literature. I don't remember receiving literature.

Senator POTTER. Did you attend lectures? Did you receive a lecture on this subject?

Private LINFIELD. Lecture or talk; yes.

Senator POTTER. You said lecture or talk?

Private LINFIELD. Yes, I believe so, Senator.

Senator POTTER. Then the question Senator Dirksen asked you was whether you listened to the lectures and you were able to comprehend what the lecturer was saying.

Private LINFIELD. That I decline to answer on the basis of the fifth amendment. That, as my counsel said, is operation of the mind comprehension.

The CHAIRMAN. Senator Dirksen, Senator McClellan, Senator Potter, and Senator Mundt have asked a very pertinent question—why isn't this an open session? I think it should be made public.

(Off-record discussion.)

(The witness and his counsel left the room for the off-record discussion.)

The CHAIRMAN. Private Linfield, you have a brother, Jordan?

Private LINFIELD. One moment, Senator, while I sit down and get ready.

The CHAIRMAN. I beg your pardon.

Private LINFIELD. Could you wait 'til I sit down? O. K., Senator.

The CHAIRMAN. Now that you are sitting down—

Private LINFIELD. Yes, Senator.

The CHAIRMAN. Is your brother working on Government work?

Private LINFIELD. I decline to answer on the basis of the fifth amendment, and you shouldn't ask me questions about my family.

The CHAIRMAN. Do you have a brother, Seymour?

Private LINFIELD. I refuse to answer the questions on the basis of the fifth amendment. That is a family question.

Senator MUNDT. Do you have a brother, Seymour?

Private LINFIELD. Yes. I have a brother Seymour.

The CHAIRMAN. Is your brother Seymour working for the Government?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

The CHAIRMAN. Do you have a sister, Mrs. Allan Weingarten?

Private LINFIELD. Yes, Senator.

The CHAIRMAN. Does she work for the Government?

Private LINFIELD. I decline on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer whether or not she is working for the Government.

Private LINFIELD. I decline.

The CHAIRMAN. Do you have a brother-in-law, Allan Weingarten?

Private LINFIELD. That is also a family question. Yes.

The CHAIRMAN. Does he work for the Government?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

The CHAIRMAN. Did the personnel manager, Mr. Stohldrier, ask you whether you were a Communist before requesting a draft deferment for you?

Private LINFIELD. I decline on the basis of the fifth amendment.

The CHAIRMAN. Just so you will not claim ignorance at some future legal proceeding, I am not asking you whether they are Communists. The question carries no implication that they are Communists. The answer carries no implication that they are Communists. The question was if Stohldrier asked you if you were a Communist before he requested a draft deferment for you?

Private LINFIELD. I decline on the basis of the fifth amendment.

Senator DIRKSEN. Did you ever request a draft deferment?

Private LINFIELD. One moment, Senator.

(Witness consults with counsel.)

What was your question, Senator?

Senator DIRKSEN. Did you ever request a deferment from selective-service draft?

Private LINFIELD. I decline to answer, Senator.

The CHAIRMAN. It is a question of fact, not a question of opinion. You will be ordered to answer.

Does the witness refuse to answer whether or not he himself ever requested a deferment from selective-service draft? No opinion is involved; it is a question of fact.

Private LINFIELD. I continue to decline on the basis of the fifth amendment.

The CHAIRMAN. Have the record show the witness was ordered to answer the question and still declined.

Senator McCLELLAN. Let us ask it this way: Do you decline to answer the question after you have been ordered to answer that? You can answer that "Yes" or "No." Did you decline after—

Private LINFIELD. I continue to decline to answer the question.

Mr. KENNEDY. Did you ever do anything in violation of the laws of the United States while in the Army?

Private LINFIELD. Would you repeat that question?

Mr. KENNEDY. Did you ever do anything in violation of the laws of the United States while you have been in the Army?

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

Senator DIRKSEN. Mr. Linfield, what is your regular address? What do you call home?

Private LINFIELD. You mean my civilian address?

Senator DIRKSEN. Yes.

Private LINFIELD. 1475 Townsend Avenue in the Bronx.

Senator DIRKSEN. Does your brother Jordan have a middle name?

Private LINFIELD. Yes.

Senator DIRKSEN. What is the full name of your brother, Jordan?

Private LINFIELD. Jordan LaPorte Linfield.

Senator DIRKSEN. And does your brother Seymour have a middle name?

Private LINFIELD. Yes, sir.

Senator DIRKSEN. What is his full name?

Private LINFIELD. Seymour LaPorte Linfield.

Senator DIRKSEN. Does your brother Jordan also live in New York?

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

Senator DIRKSEN. It is a question of fact. Either he does or he does not.

Private LINFIELD. I decline to answer.

Senator DIRKSEN. Does your brother Seymour live in New York?

Private LINFIELD. I decline on the basis of the fifth amendment.

Senator DIRKSEN. Do you know where Jordan lives?

Private LINFIELD. I decline on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer the question.

Do you know where your brother Seymour lives?

Private LINFIELD. One moment, Senator.

(Witness consults with counsel.)

What was the last question?

The CHAIRMAN. Do you know where your brother Jordan lives?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

The CHAIRMAN. Do you know where your brother Seymour lives?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

The CHAIRMAN. Do you know where your sister, Mrs. Allan Weingarten lives?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

Senator DIRKSEN. How old is your brother, Jordan Linfield?

The CHAIRMAN. Do you think this is funny?

Private LINFIELD. No, sir.

Senator DIRKSEN. It won't be later. It is very serious.

The CHAIRMAN. Go ahead and laugh and smirk all you like.

Senator DIRKSEN. These are not questions of opinion. They are questions of fact.

Private LINFIELD. What was the questions?

Senator DIRKSEN. I asked you where your brother Jordan lives. You declined to answer. Then I asked you how old Jordan is, if you know.

Private LINFIELD. I may be off a little but I think he is 31 years old.

Senator DIRKSEN. How old is your brother Seymour?

Private LINFIELD. I think he is 37 years old. I may be off a little.

Senator DIRKSEN. How old is your sister, Mrs. Weingarten?

Private LINFIELD. I think she is 22 years old. I may be off a year or 2 years.

Senator DIRKSEN. All right. It is not too material—just to establish your two brothers and sister are not people of tender years. You are only 26 yourself?

Private LINFIELD. I am going on 26.

Senator DIRKSEN. So your sister is younger and your two brothers are older than you. From that we have a right to infer, if there is something damaging in the record, they are at the age of discretion. It is presumed that at the age of 26, you know what you are doing.

Senator POTTER. What is your present military assignment?

Private LINFIELD. I am on temporary duty at Fort Myer.

Senator POTTER. Do you have any knowledge of what duty you will be assigned to at Fort Dix?

Private LINFIELD. You mean when I return to Fort Dix? I was under orders, sir, to report to Camp Detrick, Md., next.

Senator POTTER. What is your specialty with the Army—your MOS classification?

Private LINFIELD. One moment, sir.

(Witness consults with counsel.)

Private LINFIELD. I have a 1392 as my specialty. That is assistant mathematician and statistician. That is the title.

Senator POTTER. Before you were assigned to temporary duty at Fort Myer, and before you were hospitalized, what was your military duty?

Private LINFIELD. Before I was hospitalized, I was in training at Fort Dix, basic training; then I was hospitalized for 8 months; then I was returned to Fort Dix to finish basic training. After I finished basic training I was put on temporary duty at Fort Myer, Va., for the purpose of appearing before this committee.

Senator DIRKSEN. Are you a graduate of City College, New York?

Private LINFIELD. No, Senator.

Senator DIRKSEN. Did you attend City College, New York City?

Private LINFIELD. You mean as a student, Senator?

The CHAIRMAN. In any capacity?

Did you attend classes at City College, New York City?

Private LINFIELD. As a student that means?

One moment, please—I was never a student at City College, New York.

Senator DIRKSEN. You say you were never a student. First, let's go back a little. Did you graduate from high school?

Private LINFIELD. Yes; I did.

Senator DIRKSEN. What high school?

Private LINFIELD. Bronx High School.

Senator DIRKSEN. Did you then attend some college?

Private LINFIELD. Yes; I did.

Senator DIRKSEN. What college?

Private LINFIELD. New York University.

Senator DIRKSEN. How long were you in New York University?

Private LINFIELD. I began—

Senator DIRKSEN. Just roughly.

Private LINFIELD. Well, I attended many years. I continued to take courses at New York University practically until the time I entered the Army.

Senator DIRKSEN. Are you a graduate of New York University?

Private LINFIELD. Yes.

Senator DIRKSEN. What degree?

Private LINFIELD. Bachelor's degree and master's degree.

Senator DIRKSEN. Now, what did you major in when you got your bachelor's degree?

Private LINFIELD. I majored in mathematics. Now, I forget whether I also majored in English or minored in English.

Senator DIRKSEN. That is how you became a very accomplished mathematician today. Is that correct?

Private LINFIELD. I hope so, Senator.

Senator DIRKSEN. You said something about statistics?

Private LINFIELD. I studied some statistics, Senator.

Senator DIRKSEN. At New York University?

Private LINFIELD. Well, I don't know whether I ever took a formal course. Yes, once I did take a course. I also studied on my own.

Senator DIRKSEN. What was the subject matter of the thesis when you got your master's degree? I assume you wrote a thesis. What was the subject?

Private LINFIELD. It was a mathematical subject.

Senator DIRKSEN. It had a title, didn't it?

Private LINFIELD. You want that?

Senator DIRKSEN. Yes.

Private LINFIELD. I believe this is the exact title: "History of Existence and Uniqueness of Theorems in Ordinary Differential Equations." That was my master's thesis when I got my master's degree.

Senator DIRKSEN. And it generally deals with what?

Private LINFIELD. Well, it deals with a technical mathematical subject.

Senator DIRKSEN. You would just say you wrote a history of the differences in existence and uniquenesses in existence today and you probably went back to Euclid to bring it up to date.

Private LINFIELD. I am sorry, Senator.

Senator DIRKSEN. It is not material.

Private LINFIELD. It is a technical thing. I could explain it but it would take some time.

Senator DIRKSEN. In all kindness, your answer to some very simple questions where we sought only to get the facts, not opinions, on the basis of your mental training that you have had, it would look rather strange.

(Off the record discussion.)

Senator MUNDT. I have a question for the witness.

Mr. Linfield, at the time of your induction into the Army, did you take a loyalty oath?

Private LINFIELD. That is an internal Army matter, Senator. That is between the Army and me.

Senator MUNDT. It is a question of fact. You can answer "yes" or "no."

Private LINFIELD. One moment, Senator.

(Witness consults with counsel.)

I claim the fifth amendment on that, Senator.

The CHAIRMAN. You are ordered to answer the question.

Private LINFIELD. I continue to claim the fifth amendment, Senator.

Senator McCLELLAN. Are you willing to take a loyalty oath to your Government now?

Are you willing to take an oath now that you are loyal to the United States Government?

Private LINFIELD. One moment.

(Witness consults with counsel.)

Yes, Senator.

Senator McCLELLAN. You will take that oath now—that you are loyal to the United States Government?

The CHAIRMAN. And to defend the Constitution of the United States against all enemies, foreign and domestic?

Private LINFIELD. Yes, sir, Senator.

Senator POTTER. And you will take an oath that you do not belong to an organization dedicated to the overthrow of our Government by force and violence?

Private LINFIELD. Could you say that again, Senator?

Senator POTTER. Along with that loyalty oath would you state that you do not now belong to an organization that is dedicated to the overthrow of our Government by force and violence?

Private LINFIELD. I decline to answer that.

Senator POTTER. You stated that you were willing to take a loyalty oath at this time. In answer to Senator McClellan's question, you stated you would be willing to take a loyalty oath. Most loyalty

oaths I have seen ask the question, "Do you belong to any organization dedicated to the overthrow of our Government by force and violence?" On the one hand you said you would be willing to take the oath, but you refused to answer the question whether you belong to any organization dedicated to the overthrow of our Government by force and violence.

Private LINFIELD. Well, I stated I would be willing to uphold the Constitution and defend it against all enemies, domestic and foreign, and that is what I stated previously.

The CHAIRMAN. Would you defend it against Communist Russia?

Private LINFIELD. I would obey the orders of my commanding officer.

The CHAIRMAN. If the Communist Party were to order you to commit espionage or sabotage would you obey those orders?

Private LINFIELD. I have never committed espionage or sabotage and I never will.

The CHAIRMAN. The question is, If the Communist Party were to order you to commit espionage or sabotage, would you refuse to obey those orders?

Private LINFIELD. I never will commit espionage or sabotage and I never have.

The CHAIRMAN. Please answer the question.

Private LINFIELD. I believe I just answered your question, Senator.

The CHAIRMAN. Will you answer the question?

Private LINFIELD. I don't understand, Senator.

The CHAIRMAN. I will make it very clear. Let me ask you this. Would you disobey an order from Communist Party ordering you to commit espionage or sabotage?

Private LINFIELD. I will obey all legal orders of my commanding officer and will obviously never commit espionage or sabotage.

The CHAIRMAN. I am going to insist that you answer the question whether or not you would disobey orders from the Communist Party if they told you to commit espionage or sabotage. Your answer might get you in difficulty with the Communist Party but I am going to order you to answer the question.

Private LINFIELD. I have answered it three times.

Senator McCLELLAN. Answer "yes" or "no" without the qualifying remarks. Would you disobey?

Private LINFIELD. I have never and will never commit espionage or sabotage.

Senator POTTER. Even if the Communist Party ordered you to do so?

Private LINFIELD. When I stated I will not ever commit espionage or sabotage, I meant that in the absolute sense and without any qualifications.

Senator POTTER. If the Fascists ordered you to commit sabotage, would you do it?

Private LINFIELD. When I said I wouldn't commit sabotage or espionage, I meant it without reservation.

Senator POTTER. Including the Communist Party?

Private LINFIELD. Yes, including anybody.

Senator McCLELLAN. Your answer is "Yes" you would disobey an order, is that correct, of the Communist Party to commit espionage or sabotage? Is your answer "Yes" or "No"?

Private LINFIELD. I would disobey anybody or any organization which told me to commit espionage and sabotage and report that fact to competent authority.

Senator McCLELLAN. The answer is "Yes." Why don't you say yes? What are you hedging about?

Private LINFIELD. I am not hedging at all.

Senator McCLELLAN. I don't see why you hesitated to say yes, that you would disobey such an order.

(Witness consults with counsel).

Private LINFIELD. All right, Senator, the answer is "Yes."

Senator McCLELLAN. Why didn't you make the statement right away without reservation? You go all the way around?

Private LINFIELD. Yes, I would disobey.

The CHAIRMAN. Have you ever received orders from the Communist Party?

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

The CHAIRMAN. Have you ever disobeyed any order from the Communist Party?

Private LINFIELD. I decline to answer that on the basis of the fifth amendment.

The CHAIRMAN. Now, you took the fifth amendment before us last December when in the military. Subsequent to the time you appeared before us and took the fifth amendment, were you questioned by any military authorities?

Private LINFIELD. What is that question again? I didn't hear the question, Senator.

The CHAIRMAN. Were you questioned by any military authorities in regard to alleged Communist activities on your part after you appeared before our committee last December, at which time you took the fifth amendment?

Private LINFIELD. That is an internal Army matter.

The CHAIRMAN. Answer the question.

Private LINFIELD. I decline on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer.

(Witness consults with counsel.)

Private LINFIELD. I continue to decline, sir.

Mr. KENNEDY. Did you attend any meetings at City College, New York?

Private LINFIELD. What meetings?

Mr. KENNEDY. Any kind of meetings at all? Have you ever been to City College of New York?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

Mr. KENNEDY. Did you ever attend meetings at City College, New York?

Private LINFIELD. I decline to answer on the basis of the fifth amendment.

Mr. KENNEDY. Did you ever take courses at City College, New York?

Private LINFIELD. To the best of my knowledge, no.

Mr. KENNEDY. Did you attend meetings at City College, New York, where courses were not given?

Private LINFIELD. I don't understand your question.

Mr. KENNEDY. Did you attend meetings at City College of New York where City College courses were not given?

Private LINFIELD. I decline on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer.

Private LINFIELD. I decline on the basis of the fifth amendment.

The CHAIRMAN. You may step down.

Mr. FRIEDMAN. Senator, may I ask whether the committee is planning to see this witness again in the immediate future?

The CHAIRMAN. We don't know. He will consider himself under subpoena. Counsel will give you notice.

Mr. FRIEDMAN. It is all right for me to return to New York? Will you want us tomorrow?

The CHAIRMAN. We will let you know. I can't see any reason why we will want you in the foreseeable future.

(Off the record discussion.)

TESTIMONY OF SIDNEY RUBINSTEIN

The CHAIRMAN. In the matter now in hearing, do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. RUBINSTEIN. I do.

The CHAIRMAN. Will you give us your full name?

Mr. RUBINSTEIN. Sidney Rubinstein.

The CHAIRMAN. You understand you are entitled to counsel and sufficient time to acquire counsel if you desire it?

Mr. RUBINSTEIN. I don't feel I need one, sir.

The CHAIRMAN. How long were you in the military?

Mr. RUBINSTEIN. A year and 3 months, sir.

The CHAIRMAN. When were you discharged?

Mr. RUBINSTEIN. The 18th of February, this year.

The CHAIRMAN. What type of discharge did you receive?

Mr. RUBINSTEIN. General discharge under honorable conditions.

The CHAIRMAN. And the grounds for the discharge were what?

Mr. RUBINSTEIN. There was Army regulations, I think, Communist affiliations. I don't have the number available. It was read to me.

The CHAIRMAN. Army regulations were read to you to the effect that if you had a Communist affiliation you would receive this type of discharge.

Mr. RUBINSTEIN. That is right, sir.

The CHAIRMAN. So far as you know such a rule exists?

Mr. RUBINSTEIN. Yes, sir.

The CHAIRMAN. You were discharged when?

Mr. RUBINSTEIN. The 18th of February, this year.

The CHAIRMAN. When was the regulation read to you?

Mr. RUBINSTEIN. It was read to me at the time I was getting my discharge. I requested them to read it.

The CHAIRMAN. Who read it to you?

Mr. RUBINSTEIN. It was read to me by some lieutenant. I don't know his name.

The CHAIRMAN. What camp?

Mr. RUBINSTEIN. Fort Devens.

The CHAIRMAN. Had you refused to sign the loyalty oath?

Mr. RUBINSTEIN. No, sir. I did not refuse to sign it. I couldn't sign it. I signed a qualifying statement. I have a duplicate of it here in my pocket. May I—

The CHAIRMAN. Certainly.

Mr. RUBINSTEIN. This type form has no relation to this. This is a form—the type I made a statement on—DD Form 98. Would you like to look at it, sir?

The CHAIRMAN. What type of statement did you make on this form?

Mr. RUBINSTEIN. This particular form was a request for a duplication of the first one made and because I didn't have a form available, I was unwilling to answer that particular one they have there. Because I didn't have the form, I had to request constitutional privilege; merely because I didn't have the form available.

Senator POTTER. Constitutional privilege to what?

The CHAIRMAN. Let me ask you this? Are you a member of the Communist Party?

Mr. RUBINSTEIN. No, sir. I am not.

The CHAIRMAN. Have you ever belonged to the Communist Party?

Mr. RUBINSTEIN. Yes.

The CHAIRMAN. When did you drop out?

Mr. RUBINSTEIN. I dropped out in late 1947.

The CHAIRMAN. And if you are not, would you be willing to give Army Intelligence or the FBI any information which you might have about people who were Communists at the time you were?

Mr. RUBINSTEIN. Yes, sir; I would. I would be willing to cooperate.

The CHAIRMAN. You haven't up to this time?

Mr. RUBINSTEIN. I have given the Army the information they requested from me on the questionnaire.

The CHAIRMAN. You will be willing to go down to the FBI and talk to them?

Mr. RUBINSTEIN. Yes, sir.

Senator MUNDT. Let me find out. Are you now or have you ever been a member of the Communist Party?

Mr. RUBINSTEIN. I have been, sir.

Senator MUNDT. Are you now?

Mr. RUBINSTEIN. No, sir. I haven't been for 6 years.

Senator MUNDT. Were you a member and broke with the party?

Mr. RUBINSTEIN. Yes, sir.

Senator DIRKSEN. What were the mechanics for your getting out?

Mr. RUBINSTEIN. I just walked out.

Senator DIRKSEN. Did the Army know that you had been?

Mr. RUBINSTEIN. That particular form the Senator is looking at now in his hand had the loyalty oath on it to sign. I could not sign it because of constitutional falsification.

Senator DIRKSEN. You were given a form of this type and you made a complete statement?

Mr. RUBINSTEIN. This was the only one I had available to make a complete statement on explaining when I was a teen-ager I was associated with Communists and Communist-front organizations and listed those organizations and other information requested of me.

Senator DIRKSEN. At the time you were recruited into the Army were you a Communist?

Mr. RUBINSTEIN. No, sir.

Senator DIRKSEN. Why would you be precluded from signing a loyalty oath if you were a Communist when a teen-ager?

Mr. RUBINSTEIN. The loyalty oath was whether you had ever belonged to any of these organizations and signing it without making any statements qualifying it would constitute a falsification.

Senator DIRKSEN. You were perfectly willing to sign a loyalty oath in the present terms?

Mr. RUBINSTEIN. Not only willing but I requested it of the Army.

Senator DIRKSEN. You wished to bring it to the attention of the Army?

Mr. RUBINSTEIN. Yes.

The CHAIRMAN. Mr. Adams, here we have a young man who had broken with the party and was willing to sign any oath in regard to present-day loyalty. He was given a discharge other than honorable and Major Peress was given an honorable discharge. Another private who is clearly a Communist is still in the service. The Army discharge procedure in loyalty cases lacks consistency.

Mr. ADAMS. I think the witness said "General discharge under honorable conditions."

Mr. RUBINSTEIN. That is right. General discharge under honorable conditions.

The CHAIRMAN. That is not a straight honorable discharge?

Mr. RUBINSTEIN. No, sir.

The CHAIRMAN. Let us have the record clear. Major Peress received an honorable discharge. This man received something less.

Mr. ADAMS. The type of discharge open to officers is different from the type open to enlisted men. In the case of an officer, he is entitled to either an honorable discharge, discharge under other than honorable circumstances, or dishonorable discharge. An enlisted man is entitled to an honorable discharge. The second type is general discharge under honorable conditions, and then three—the others I won't attempt to name them.

The CHAIRMAN. It appears to me, John—Why didn't this young man receive an honorable discharge? I might ask why was he discharged? He seems to be completely frank and honest and is willing to talk to the committee. He is willing to talk to the intelligence agents.

Senator POTTER. Apparently when he went in he didn't try to hide the fact that he had been a member of the Communist Party. The reason he failed to sign the loyalty oath is that he would have to falsify the document.

Senator DIRKSEN. What was written on the discharge when you were separated from the service? There are remarks there usually. On the discharge there is a specific reason.

Mr. RUBINSTEIN. If you are interested, I have the discharge and form 214 and a copy of the orders requesting my discharge?

Senator DIRKSEN. Does it give the reason?

Mr. RUBINSTEIN. That doesn't come on the discharge. It comes on form 214.

Senator DIRKSEN. What does that say?

Mr. RUBINSTEIN (reading).

No time lost under section 6a, appendix 2b MCM 1951. Personnel grade, private—2, 17 March 1953. Aptitude area I 126. Blood type A. Authority: Letter file. ACPO-XD 201. TAGO, Washington, D. C., dated January 27, 1954.

Senator McCLELLAN. Were you recently discharged?

Mr. RUBINSTEIN. Yes, sir.

Senator McCLELLAN. How long were you in service?

Mr. RUBINSTEIN. For a year and 3 months.

Senator McCLELLAN. When you were discharged were you discharged because of the fact that you had been a Communist?

Mr. RUBINSTEIN. I guess so. I guess it was considered affiliation. I don't know exactly what regulation.

Senator McCLELLAN. You were not due to get a discharge that soon? You didn't serve the regular time?

Mr. RUBINSTEIN. No, I was not ready for discharge.

Senator McCLELLAN. There was a special order discharging you?

Mr. RUBINSTEIN. Yes.

The CHAIRMAN. They read to him the section of the regulations providing for his discharge because of affiliation with the Communist Party.

Senator MUNDT. What were the circumstances under which this thing came up? You were running along as an ordinary GI and something happened?

Mr. RUBINSTEIN. Well, I was at Camp Kilmer where I made the statement. I was sent down to Fort Dix to the Infantry. From the Infantry I was sent to Fort Banks, Antiaircraft Artillery. When I was sent to the antiaircraft site, the lieutenant who interviewed me asked me if I attended college. I was then put on the range section, which is radar, M-33 radar set. I worked on that for a period of 5 or 6 months. I was doing communications work and one of the officers at the AAOC, Antiaircraft Operations Command, was satisfied—more than satisfied with the work I was doing and requested me to be transferred to the headquarters battery to work on another type of radar. In order to get on that set, this is all my point of view, you had to be cleared for secret. You had to be cleared for secret to work on this type of radar. They tried to clear me for secret and it was immediately stopped. The Army refused to clear me. At that point the officer that had ordered me down, ordered me to headquarters battery, and they put me on a truck, which they considered wasn't too strategic a job—driving a truck around. That is what I was doing.

Senator MUNDT. You haven't been associated with Communist fronts in the last couple of years?

Mr. RUBINSTEIN. No, sir.

Mr. COHN. Since 1947?

Mr. RUBINSTEIN. I was working for the Progressive Party.

Mr. COHN. When did you break completely?

Mr. RUBINSTEIN. 1948. Right after the 1948 election.

Mr. COHN. The last 5 or 6 years you were out and have had nothing to do with them.

The CHAIRMAN. Nevertheless, you were discharged under this regulation for Communist affiliation?

Mr. RUBINSTEIN. Yes.

The CHAIRMAN. Do I understand that you are willing to talk to the FBI, Military Intelligence or a hearing by this subcommittee to disclose the information that you have in your possession concerning the Communist Party and its activities, and you will testify to the proper authorities in that regard?

Mr. RUBINSTEIN. Yes, sir.

Senator MUNDT. What are you doing now?

Mr. RUBINSTEIN. I am unemployed now.

(Whereupon, the hearing adjourned.)



ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

FRIDAY, MARCH 5, 1954

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:30 a. m., pursuant to notice, in room 357, Senate Office Building, Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Henry M. Jackson, Democrat, Washington.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; Daniel G. Buckley, assistant counsel; Robert Francis Kennedy, counsel to minority; James Juliana, investigator; and Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

Who is your first witness, Mr. Counsel?

Mr. COHN. Mr. Peter Gragis.

The CHAIRMAN. Will you stand and be sworn?

In this matter now in hearing before the committee, do you solemnly swear the testimony you will give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GRAGIS. Yes, sir.

The CHAIRMAN. I first want to apologize to you, Mr. Gragis, for having to hold you over an extra day. The testimony took longer yesterday than we expected. I want to thank you very much for staying over to testify.

TESTIMONY OF PETER A. GRAGIS

Mr. COHN. May we get your full name, please?

Mr. GRAGIS. Peter A. Gragis.

Mr. COHN. That is G-r-a-g-i-s?

Mr. GRAGIS. Yes, sir.

Mr. COHN. And you come from New York; is that right?

Mr. GRAGIS. Levittown, Long Island, N. Y.

Mr. COHN. Where were you born?

Mr. GRAGIS. Great Neck, Long Island, N. Y.

Mr. COHN. Where did you receive your education?

Mr. GRAGIS. Great Neck Arrandale Grammar School, Great Neck High School, New York University, University of Kentucky, and some other courses.

Mr. COHN. Did you take courses in architecture?

Mr. GRAGIS. Yes.

Mr. COHN. Is that your specialty?

Mr. GRAGIS. Architecture; art was my specialty for a good number of years.

Mr. COHN. Have you held employment in various defense plants and war plants in the country?

Mr. GRAGIS. Yes, sir.

Mr. COHN. What are some of them?

Mr. GRAGIS. I started in 1936, and worked in Ford Instrument Co. in Long Island City, N. Y., which company manufactured rangefinders for battleships.

Mr. COHN. You say you worked at Ford Instrument Co. and they were making rangefinders; is that right?

Mr. GRAGIS. Yes, sir.

Mr. COHN. What other defense plants did you work at besides Ford?

Mr. GRAGIS. De Laval Separator Works up in Poughkeepsie.

Mr. COHN. How do you spell that?

Mr. GRAGIS. D-e L-a-v-a-l Separator Works, Poughkeepsie.

Mr. COHN. What did you produce up there?

Mr. GRAGIS. It is an old concern originally manufacturing mechanical milk separators, and then they turned to electrical milk separators. With the appearance for the need of equipment for the services, DeLaval received some subcontracts to do work for the forces consisting mainly of fire cutoffs and limit stops for the flying fortresses.

Mr. COHN. From De Laval where did you go?

Mr. GRAGIS. I thought I was going to be inducted into the services, so I resigned and came to New York. However, when I found that I was rejected, I looked around in the vicinity of New York City for employment, and the first job I got I do believe was Kollsman Instrument Co.

Mr. COHN. Kollsman, K-o-l-l-s-m-a-n?

Mr. GRAGIS. That is right, sir.

Mr. COHN. What did you serve as with Kollsman?

Mr. GRAGIS. As research assistant to Dr. Paul G. Weiler.

Mr. COHN. What were they working on there?

Mr. GRAGIS. Where I was working was at 65th Street, Woodside, separate from the factory, which was in Elmhurst. We were doing essentially research, gathering data on flow meters and solving problems for the Kollsman Instrument Co. at Elmhurst.

Mr. COHN. Where did you go from Kollsman?

Mr. GRAGIS. I went to work for Simmonds Aerocessories.

Mr. COHN. That is S-i-m-m-o-n-d-s?

Mr. GRAGIS. Yes; Aerocessories.

Mr. COHN. In Long Island?

Mr. GRAGIS. Long Island City.

Mr. COHN. What kind of work were they doing there?

Mr. GRAGIS. Hydraulic accumulators, push-pull controls, hydraulic metering valves, aircraft pressure control and power boosters—what do you call them?

Mr. COHN. I think we have the general trend of what you were doing.

Mr. GRAGIS. Yes.

Mr. COHN. Did you subsequently go to work for the Federal Telecommunications Laboratories in Huntley, N. J.?

Mr. GRAGIS. Yes, but before I went to work there, I went to work for Bulova Watch Co.

Mr. COHN. I assume you did not do sensitive work at Bulova; is that right, or did you?

Mr. GRAGIS. We were at that time trying to design something which would have meant a contract to Bulova. However, although we did design the instrument, our efforts to get the bid were not successful. Some other company got it.

Mr. COHN. Was that a Government job?

Mr. GRAGIS. It would have been a Government job.

Mr. COHN. From Bulova, did you go to Federal Telecommunications Laboratories?

Mr. GRAGIS. Yes, I did.

Mr. COHN. Did you go there in 1945?

Mr. GRAGIS. Yes, Mr. Cohn, I did.

Mr. COHN. Then you stayed there from 1945 until when?

Mr. GRAGIS. Until I was separated, which was early in 1950.

Mr. COHN. From 1945 until early in 1950?

Mr. GRAGIS. Yes.

Mr. COHN. Have you ever been a member of the Communist Party?

Mr. GRAGIS. I regret to say, Mr. Cohn, that I made the mistake of joining the party quite a number of years ago.

Mr. COHN. When did you first join the Communist Party?

Mr. GRAGIS. It was in 1934 or 1935.

Mr. COHN. I would like to make this clear. You are not today a Communist; is that right?

Mr. GRAGIS. I have not been a member for a number of years now.

Mr. COHN. Did you break with the party completely in the year 1951?

Mr. GRAGIS. That is right.

Mr. COHN. And from 1951 to this time you have not been a member of the Communist Party, and you have not been connected with the Communist movement; is that right?

Mr. GRAGIS. That is correct.

The CHAIRMAN. So the record will be clear, Mr. Cohn, this young man has been completely cooperative with the committee, and has given the committee and the FBI a great deal of valuable information.

Mr. COHN. Mr. Gragis, you say you joined the party around 1934 or 1935. Can you tell us this: Did you read any works at that time which influenced you to join the party, any particular writings?

Mr. GRAGIS. Yes, I did. There were the petitions that were being prepared by Herndon, the Scottsboro boys, and articles from the Worker which were brought to my attention. Then copies of the Manifesto, Das Kapital, dialectical materialism, and typical Communist propaganda.

Mr. COHN. Mr. Chairman, the witness has supplied the committee with the entire picture of his activities in the party. A good number of names are involved, and with your permission this morning we are going to refer only to the names of people who have already been named before the committee and had an opportunity to testify, or witnesses whom we have been able to produce before the committee

this morning, so they will have an opportunity to be heard as to the accuracy of Mr. Gragis' statements concerning them. The other names with your permission will not be given at this time, but will be held until we can have the people named in executive session first.

The CHAIRMAN. Very good.

Mr. COHN. By the way, while you were at Ford, you were a member of the Communist cell, is that correct?

Mr. GRAGIS. Yes, I was.

Mr. COHN. I do not want to go into the names on that, Mr. Chairman.

When you were working at DeLaval Separator Works in Poughkeepsie, were you put in contact with the Communist Party up there?

Mr. GRAGIS. Not a company cell, so-called, but in a neighborhood party unit.

Mr. COHN. Were you introduced to a professor at Vassar College who was a Communist Party member?

Mr. GRAGIS. Yes, I was.

Mr. COHN. We have that name, Mr. Chairman, and we will not bring it out, because we have not been able to contact the person.

The CHAIRMAN. Have you a subpoena out for him?

Mr. COHN. Yes, we do.

Now I want to get to the direct purpose of the hearing this morning, and that is your membership in the party while you were working at the Federal Telecommunications Laboratory where you worked from 1945 to 1950. We have had before the committee a man named Harry Hyman who has invoked the fifth amendment as to Communist and conspiracy to commit espionage activities. I want to ask you this. Did you know Harry Hyman to be a member of the Communist Party at Federal Telecommunications Laboratory?

Mr. GRAGIS. Yes, I did.

Mr. COHN. Was Hyman an active member of the party?

Mr. GRAGIS. Extremely active.

Mr. COHN. Would you describe for the committee some of the Communist activities which took place at the Federal Telecommunications Laboratories when you were a member of the party there?

Mr. GRAGIS. I think he more than any individual established the cell, in Federal Telecommunications Laboratories. He not only did work of that nature, but he also was elected to the leadership of the union which he mainly organized in the company. First, the shop and maintenance, then the guards and then directed the organizing of the rest of the company, the engineers, the draftsmen, and the clerks.

The CHAIRMAN. May I interrupt you, Mr. Cohn. I have already referred the Hyman case to the Justice Department for prosecution under the Smith Act. Therefore, I think all the testimony that is taken from time to time in regard to Hyman should be immediately transmitted to Justice.

Mr. COHN. Very well, Mr. Chairman.

Did you attend cell meetings of the Communist Party while employed at Federal Telecommunications Laboratory?

Mr. GRAGIS. Yes, I did.

Mr. COHN. Was Hyman present at any of these cell meetings?

Mr. GRAGIS. Not at every one, but he was present at many of them.

Mr. COHN. Was the Daily Worker in evidence at these cell meeting or at the time of your employment at the Federal Telecommunications Laboratory?

Mr. GRAGIS. The Daily Worker was brought into the cell and Hyman never did conceal the fact that he always carried several copies in his briefcase with him, which he would read anywhere at any time.

Mr. COHN. Did you pay dues to the Communist Party during this period?

Mr. GRAGIS. Yes, I did.

Mr. COHN. Did you have any Communist schooling during that period?

Mr. GRAGIS. If we did not, we would not have been a Communist cell. Yes, we did. We would have regular periods at which time we would discuss the basic propaganda, leaflet, booklet, magazine.

Mr. COHN. In addition to that, did the party ever send you to Jefferson School to study?

Mr. GRAGIS. It seemed it was part of the policy of the party in the area at that time to insist that all cells send some representatives to the so-called Thomas Jefferson School, which was on the East Side of New York.

Mr. COHN. And you were sent to that school?

Mr. GRAGIS. No one else seemed to want to go. I thought there were some courses that I would at that time care to take, so I volunteered to go.

Mr. COHN. Mr. Chairman, with reference to the Jefferson School teachings, once again there are names involved of people we have not talked to, so I would ask that I be permitted not to elicit evidence on that score.

The CHAIRMAN. Very well.

Mr. COHN. Getting back to the instruction you received at the cell meetings while you were employed at Federal Telecommunications Laboratories, did you come across a man by the name of Frank McGee?

Mr. GRAGIS. Yes, I did.

Mr. COHN. Was he a member of the Communist Party?

Mr. GRAGIS. Yes, he was.

Mr. COHN. Was he working at the Federal Telecommunications Laboratory?

Mr. GRAGIS. Yes, he was.

Mr. COHN. What was the nature of McGee's activities in the Communist cell?

Mr. GRAGIS. Somewhat similar to Harry Hyman's, but he was also the cell educator. He would propose and lead in the education and discussion of Communist literature.

Mr. COHN. Did he ever teach from State and Revolution, by Lenin?

Mr. GRAGIS. Yes, I think he enjoyed very much reading State and Revolution himself, and he seemed to like reading it over a period of several months in our cell.

The CHAIRMAN. Is Mr. McGee here?

Mr. GRAGIS. I don't know.

The CHAIRMAN. I am just inquiring. Mr. Frank McGee. Will you look at this man and see if this is the man you knew?

Mr. GRAGIS. Yes, Senator; that is Mr. McGee.

Senator JACKSON. Have you ever worked for the Federal Government?

Mr. GRAGIS. No, I never have; sir.

Senator JACKSON. You worked on contracts for a private company. I mean you worked for private companies that had contracts with the Military Establishment?

Mr. GRAGIS. That is right, sir.

Senator JACKSON. Did you ever work on any classified material?

Mr. GRAGIS. I will tell you most of the years—I went back from around 1936 up until the time of my separation. My observation was that many of the companies were rather careless in calling our attention to what was restricted, secret, classified, or otherwise confidential. Over this period of time I did not see too much of that work.

Senator JACKSON. Let me ask you this.

Mr. GRAGIS. I know the work was Government work and extremely important.

Senator JACKSON. First you worked for the Ford Co. in 1936 and 1937?

Mr. GRAGIS. Yes, and 1938.

Senator JACKSON. And for some other companies?

Mr. GRAGIS. Yes.

Senator JACKSON. You say that these companies that were engaged in defense work were careless in handling their security?

Mr. GRAGIS. I thought they were. I can see it now. I would not perhaps have realized it then, but I would say that they were, as I look back at it now, benefiting from hindsight.

Senator JACKSON. At the Federal Telecommunications Laboratory where you were employed from 1945 to 1950, did you work on classified material?

Mr. GRAGIS. There I would say what I said just a minute ago applied. I would say there should have been more care in indicating classified, restricted, secret material. Actually, just before I was separated, they were setting up one department, and it was pretty well being publicized at that time that it was secret, and no one was supposed to go in there.

Senator JACKSON. I mean did you work on any classified material?

Mr. GRAGIS. Well, all Government contracts were somewhat classified. If you ask, sir—I mean to say most of the documents I saw were not stamped “secret,” “confidential,” “restricted,” or otherwise.

Senator JACKSON. Did you work on anything marked “restricted,” “secret,” “confidential,” “top secret”?

Mr. GRAGIS. I must have worked on classified material.

Senator JACKSON. Do you recall whether you worked on anything marked “restricted,” “confidential,” “secret,” “top secret”?

Mr. GRAGIS. I do. I will tell you where; for instance, it was known that the work being done was extremely secret. During the period of time when I was on loan from FTL to FTR and worked on the mark V project at Hazeltine Electronics.

Senator JACKSON. To get back to the question—

Mr. GRAGIS. That was secret. It was top secret.

Senator JACKSON. Were the papers that you dealt with marked as such?

Mr. GRAGIS. The admission into it was very carefully looked into by guards. We were told it was secret. We had to have cards that we could not carry any documents except in our own personal portfolios.

The CHAIRMAN. May I say for the benefit of Senator Jackson the company records that will be put in evidence will show that this young man did have access to classified material up to and including secret.

Senator JACKSON. That is what I am trying to get from him.

The CHAIRMAN. Restricted, confidential, and secret.

Senator JACKSON. Let me ask you this: Do you recall whether the company through the Military Establishment made any attempt to get clearance for you? Were you investigated?

Mr. GRAGIS. I would imagine so, sir. I understood although I don't know how true this is, I thought that the work on the mark V project at Hazeltine Electronics you had to have special clearance over and above ordinary clearance.

Senator JACKSON. You do not know from your own knowledge whether you were investigated for clearance?

Mr. GRAGIS. Of course, I had heard at different times from different friends of mine down in Kentucky or acquaintances who were approached by the Federal Bureau of Investigation or others, and I knew I was being investigated.

Senator JACKSON. Did you fill out a PSQ?

Mr. GRAGIS. Yes, I did. That was, I believe, in 1947.

Senator JACKSON. You filled that out?

Mr. GRAGIS. Yes, I did.

Senator JACKSON. In that questionnaire, were you asked whether you were a member of the Communist Party or advocated the overthrow of the Government by force and violence, the usual questions?

Mr. GRAGIS. There is a little history on even those PSQ's. I think there were two types of PSQ's. One was where the question was, were you a member of the Communist Party and believed in revolutionary overthrow of the Government, and there was another type of PSQ which did not ask that question, but which asked, do you believe in violent overthrow of the Government, or something like that.

Senator JACKSON. Which one did you fill out?

Mr. GRAGIS. The latter. I felt that was not perjuring myself at the time when I filled it out. It asked to what organizations do you belong.

Senator JACKSON. What did you fill out in answer to that question?

Mr. GRAGIS. I left the Communist Party out because I felt it was a political organization.

Senator JACKSON. But it asked what organization. Do you not think there is probably a little perjury there?

Mr. GRAGIS. At the time I would have thought no, but I would certainly recognize it as such, today, sir.

Senator JACKSON. You do not recall whether you did work on any documents or material marked and stamped "classified" which would include restricted, confidential, secret, top secret?

Mr. GRAGIS. I have seen the documents.

Senator JACKSON. You have?

Mr. GRAGIS. Yes, but working day to day you do not see it coming in.

Senator JACKSON. You had access to it?

Mr. GRAGIS. Yes, I believe I had access to it.

Senator JACKSON. What was your mission as a member of the Communist cell in the Federal Telecommunications Laboratory?

Mr. GRAGIS. My mission, if you wish to use the word, was to use the best of my abilities, my talents, toward completing the organization of the draftsmen, the designers, and the clerical unit of the company and then to accept leadership in that union.

The CHAIRMAN. May I interrupt you to say this. I have been following the rule, especially when we have had a one-man committee, of allowing anyone who has been named as a Communist to immediately come forward and testify. The witness has named Mr. McGee. I would like to have him step aside, and have Mr. McGee tell whether or not it is true whether he is a Communist or not. This witness will be called back.

Senator JACKSON. Just so I can talk to him. I have no objection to following that procedure.

The CHAIRMAN. I would like to follow the rule of anyone being named a Communist to come forward immediately.

Will you step aside, and Mr. McGee, will you come forward?

Raise your right hand. In this matter now in hearing before this committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF FRANK MASON MCGEE, MONROE, LA., ACCOMPANIED BY VICTOR ROBINOWITZ, ATTORNEY AT LAW, NEW YORK, N. Y.

Mr. MCGEE. I do.

The CHAIRMAN. Will counsel identify himself?

Mr. ROBINOWITZ. Victor Robinowitz, New York City.

Mr. COHN. Mr. McGee, is your full name Frank McGee?

Mr. MCGEE. You mean any middle name?

Mr. COHN. You are Frank McGee?

Mr. MCGEE. That is correct.

Mr. COHN. Where do you reside now?

Mr. MCGEE. Monroe, La.

Mr. COHN. And you worked at the Federal Telecommunications Laboratories?

Mr. MCGEE. I have.

Mr. COHN. During what period of time?

Mr. MCGEE. About 3½ years.

Mr. COHN. From 1947 to 1950?

Mr. MCGEE. No, it was prior to 1947.

Mr. COHN. Pardon me?

Mr. MCGEE. I don't recall the exact date offhand.

Mr. COHN. That is all right. We do not need the exact date.

Mr. MCGEE. It was 3½ years prior to 1947.

Mr. COHN. Did you leave there in 1950?

Mr. MCGEE. No, sir.

Mr. COHN. When did you leave there?

Mr. MCGEE. The best of my recollection is that I left there about July 1947.

Mr. COHN. You worked there prior to 1947?

Mr. MCGEE. Yes, sir.

Mr. COHN. From 1944 to 1947, or something like that?

Mr. MCGEE. Something like that.

Mr. COHN. What have you done since you left the telecommunications plant?

Mr. MCGEE. I have taught television, primarily.

Mr. COHN. While you were at the Telecommunications Laboratory, were you educational director of a Communist Party cell operating within the laboratory?

Mr. MCGEE. I refuse to answer that question.

Mr. COHN. On what grounds?

Mr. MCGEE. On the grounds of the fifth amendment to the Constitution.

Mr. COHN. On the ground that the answer might tend to incriminate you under the fifth amendment?

Mr. MCGEE. Yes.

Mr. COHN. You heard the testimony of Mr. Gragis here this morning. Was that testimony insofar as it related to you, namely, that you were a member of this Communist cell, that you were educational director of the cell, and that you taught to the employes of the Federal Telecommunications Laboratory who belong to that cell from State and Revolution? Was that testimony true?

Mr. MCGEE. I refuse to answer that question on the same—

The CHAIRMAN. You will have to state the ground.

Mr. MCGEE. I refuse to answer the question under the protection of the fifth amendment to the Constitution.

The CHAIRMAN. On the ground you might tend to incriminate yourself?

Mr. MCGEE. Yes.

Mr. COHN. Have you ever worked in any defense plant other than Federal Telecommunications Laboratory?

Mr. MCGEE. I believe for a short period of time I worked at Kollsman Instrument Division of the Square-D Co. I think Mr. Gragis identified it.

Mr. COHN. Of what division?

Mr. MCGEE. Square-D Co. It is the Kollsman Instrument of the Square-D Corp. or company, or some such name.

Mr. COHN. At that time were you a member of the Communist Party?

Mr. MCGEE. I refuse to answer that question.

Mr. COHN. Have you taught at any college or university at any time?

Mr. MCGEE. Yes, sir.

Mr. COHN. Where?

Mr. MCGEE. University of Kentucky, Moorehead State Teachers College.

Mr. COHN. And while you were teaching at those colleges, were you a member of the Communist Party?

Mr. MCGEE. I refuse to answer that question.

The CHAIRMAN. You will have to state the grounds.

Mr. MCGEE. The same grounds as before.

The CHAIRMAN. You will have to state the ground each time.

Mr. MCGEE. The fifth amendment to the Constitution.

The CHAIRMAN. You will have to state the grounds and give us that part of the fifth amendment which permits a witness to refuse if he feels his answer might tend to incriminate him.

Mr. MCGEE. Yes.

The CHAIRMAN. You will have to state it each time you refuse.

Mr. MCGEE. Yes, sir.

The CHAIRMAN. Is that the part of the fifth amendment on which you rely?

Mr. MCGEE. Yes, sir.

The CHAIRMAN. When did you teach, Mr. McGee?

Mr. MCGEE. I am sorry, I didn't hear the question.

The CHAIRMAN. When were you last teaching school?

Mr. MCGEE. You mean in college?

The CHAIRMAN. Any school.

Mr. MCGEE. I taught up until about last May or June.

The CHAIRMAN. Last May or June?

Mr. MCGEE. Yes.

The CHAIRMAN. Were you a member of the Communist Party then?

Mr. MCGEE. I refuse to answer that question on the same grounds, sir.

Mr. ROBINOWITZ. Senator, you asked that the light be turned off. Can you enforce your directions?

The CHAIRMAN. The witness will not have the light turned on him, gentlemen. He has asked that it not be turned on him.

The CHAIRMAN. What school were you teaching in?

Mr. MCGEE. Pierce School of Radio and Television.

The CHAIRMAN. Pierce School of Radio and Television?

Mr. MCGEE. Yes.

The CHAIRMAN. Where was that?

Mr. MCGEE. 52 East 19th Street, New York City.

The CHAIRMAN. Does that school have any Government contracts of any kind?

Mr. MCGEE. Well, they have a lot of veteran students. I suppose they have some kind of a Government contract.

The CHAIRMAN. They receive money from the Government?

Mr. MCGEE. Yes, sir.

The CHAIRMAN. Were you a Communist when you were teaching there?

Mr. MCGEE. I refuse to answer that under the fifth amendment.

The CHAIRMAN. Are you a Communist as of this moment?

Mr. MCGEE. I refuse to answer that under the fifth amendment.

The CHAIRMAN. Do you know Harry Hyman?

Mr. MCGEE. Yes, sir.

The CHAIRMAN. Did you know that Harry Hyman was an espionage agent?

Mr. MCGEE. I refuse to answer that on the same grounds, sir.

The CHAIRMAN. Have you been engaged in espionage yourself?

Mr. MCGEE. No, sir.

The CHAIRMAN. Have you engaged in any sabotage?

Mr. MCGEE. No, sir.

The CHAIRMAN. If the Communist Party were to order you to engage in espionage, would you disobey that order?

Mr. MCGEE. Yes, sir.

The CHAIRMAN. Have you ever discussed secret or confidential material with Harry Hyman?

Mr. MCGEE. Well, sir; I may have.

The CHAIRMAN. You may have?

Mr. McGEE. Could I explain my answer?

The CHAIRMAN. You may.

Mr. McGEE. I would like to read briefly a statement in relation to this which I would like to put in. I assure you it has to do with the security setup at Federal and how I may have discussed this with Mr. Hyman, or with anyone else.

The CHAIRMAN. There is a rule adopted by the subcommittee on January 14, 1953, with which your counsel is fully familiar; you must submit a written statement 24 hours in advance of the hearing at which the statement is to be presented. However, we have been very liberal in interpreting that rule, so if you will pass your statement up so we can see it, we will tell you whether you can read it or not.

Mr. McGEE. It is in my own handwriting, sir.

The CHAIRMAN. Maybe I can read it. Pass the statement up, Mr. Counsel.

Mr. McGEE. Do I have permission to read it?

The CHAIRMAN. Yes.

Mr. McGEE. In order to make my answer completely clear, I must explain the security setup at Federal. There were armed guards at all possible entrances to the laboratories for the purpose of keeping out all unauthorized persons. Each employee was provided with a badge, and it was necessary to obtain clearance through the appropriate Government agency in order to have that badge.

The CHAIRMAN. May I interrupt. Senator Jackson, will you take over for a few minutes? I will be right back.

Senator JACKSON (presiding). You may proceed.

Mr. McGEE. Inside the labs there were all sorts of classified material lying about.

The CHAIRMAN. Let me interrupt you. This is generally not the approved one-man subcommittee.

Senator JACKSON. I am not making it such.

Mr. McGEE. Inside the labs there was all sorts of classified material lying about without any additional protection. Engineers were especially free to wander about in their own or other departments. Individual engineers often helped each other without the formality of asking for any special clearance or authorization. For example, Dr. Iskandourian said he needed a certain device with certain specifications and he had been unable to design it or obtain the design from any source. Since I had been designing such devices and equipment on which I was working, I sat down in about 5 minutes and dashed off the design and presented it to him. Later he thanked me profusely and made some very flattering remarks about my ability. I am not trying to prove anything with this. I am only trying to let the committee know the facts. If in the manner described above I passed any classified information to an espionage agent, the responsibility must lie with the agency that cleared him and allowed him to work with me.

Now let me cover the field of people who had not been given special clearance by Government agencies to work with me at Federal. I never knowingly gave classified information to any such unauthorized person nor did I induce anyone else to do so. Neither did I persuade or attempt to persuade anyone either at Federal or elsewhere to do so. No one in my memory either inside or outside of Federal ever tried

to get me to do any of these things or stated before me that these things should be done, nor do I have any knowledge of anyone who did or is doing any of these things.

Let me state that the above statement includes, but is not restricted to and without necessarily admitting that I know any such people, all members and officers of the Communist Party and all agents of foreign governments, whether friendly, enemy or neutral.

Senator JACKSON. I take it from your statement that you did not know of any espionage at Federal Telecommunications Laboratory?

Mr. MCGEE. I was unaware of any espionage.

Senator JACKSON. Were you aware of any unauthorized giving out of any kind of classified information to persons not authorized to receive it?

Mr. MCGEE. No, sir.

Senator JACKSON. What about Mr. Hyman? Did you know Harry Hyman?

Mr. MCGEE. Yes, sir; I did.

Senator JACKSON. How long did you know him or how long have you known him?

Mr. MCGEE. Let me put it this way, sir. Shortly after I went to work at Federal I met Harry Hyman at a union meeting.

Senator JACKSON. What union?

Mr. MCGEE. The union that organized the Federal, the Federation of Architects, Engineers, Chemists, and Technicians.

Senator JACKSON. Of the CIO?

Mr. MCGEE. Yes, sir.

Senator JACKSON. That was later kicked out of the CIO?

Mr. MCGEE. I believe so.

Senator JACKSON. On the ground that it was Communist dominated.

Mr. MCGEE. I don't know what ground it was kicked out. I was not a member of it at the time.

Senator JACKSON. You were a member of it at the time?

Mr. MCGEE. I was not.

Senator JACKSON. You met him at a meeting?

Mr. MCGEE. I met him at a union meeting. He was primarily concerned with organizing the shop workers with whom he was working, and I was interested in organizing the engineers.

Senator JACKSON. You were organizing them for what union?

Mr. MCGEE. Federation of Architects, Engineers, Chemists, and Technicians.

Senator JACKSON. But you were not a member of it?

Mr. MCGEE. I was a member of it then. I was not a member of it when it was kicked out of the CIO. I am sorry if my answer was misinterpreted.

Senator JACKSON. Did you leave the union? Did you resign from it?

Mr. MCGEE. Yes, sir; I left it.

Senator JACKSON. Why did you resign from it?

Mr. MCGEE. When I left Federal.

Senator JACKSON. Because of the termination of your employment?

Mr. MCGEE. Yes, sir.

Senator JACKSON. Why did you leave Federal Telecommunications Laboratory?

Mr. McGEE. I would like to say that my clearance was removed, after I had been working there for 3½ years, and I was never given any satisfactory explanation of why it had been removed. I do have an opinion on the subject, if you would care to hear it.

Senator JACKSON. In your opinion, what was the reason for your termination of your clearance?

Mr. McGEE. This had been given to me by a member of the personnel department at Federal. The statement was that they had a great deal of trouble in their department because it was believed that I had been sent in by the CIO to organize the plant.

Senator JACKSON. Did they ask you at the time whether you were a member of the Communist Party?

Mr. McGEE. When I left?

Senator JACKSON. No; at the time when your security clearance was terminated.

Mr. McGEE. No.

Senator JACKSON. You were not interrogated in connection with the removal of your security clearance?

Mr. McGEE. No, sir.

Senator JACKSON. What reason did they give you for the termination of your security clearance?

Mr. McGEE. None, sir.

Senator JACKSON. Did you ask?

Mr. McGEE. I was read, I believe, three communications from various Government departments saying that my clearance had been removed, and please separate me from contact with classified material in their departments. That was as well as I can remember the complete statement that I got.

Senator JACKSON. Did you inquire as to the reason why the termination had been made?

Mr. McGEE. I inquired of the people who read it to me and they said that is all they knew about it, what was in the document that they read to me.

Senator JACKSON. Did you attempt to pursue the matter any further?

Mr. McGEE. I left the matter entirely in the hands of the union, and since I had decided not to move to Nutley, N. J., with the laboratories in any case, I didn't pursue it at any great length.

Senator JACKSON. Mr. McGee, at the time you were terminated, were you a member of the Communist Party?

Mr. McGEE. I refuse to answer that question.

Mr. KENNEDY. Mr. McGee, you said that there was no espionage that you knew of at Federal Telecommunications?

Mr. McGEE. That is right.

Mr. KENNEDY. You said that you also knew Harry Hyman?

Mr. McGEE. Yes, sir.

Mr. KENNEDY. Did you know Harry Hyman as an espionage agent at Federal Telecommunications Laboratory?

Mr. McGEE. No, sir; I did not.

Mr. KENNEDY. You did not?

Mr. McGEE. No, sir.

Mr. KENNEDY. You refused to answer that question a while back when it was asked you whether you know Harry Hyman was an espionage agent.

Mr. MCGEE. I am answering it now. If I do so before I may have—

Mr. KENNEDY. Did Harry Hyman ever ask you for any material on which you were working that he needed information on?

Mr. MCGEE. Well, let me say that I don't recall any such incidents specifically, but let me say that it is entirely possible that he may have been working on some material which I had designed since I quite often sent material to the shop where he was employed, and it may have been given to him, and he may have asked me a question about it. Also, Mr. Hyman had a pass which enabled him to come to my office and quite often he did so. He usually wanted to ask me about some union matter, and I may say that my desk was usually covered with classified material of one sort or another.

Mr. KENNEDY. Did you think while you were working at Federal Telecommunications Laboratory that you were a member of a group whose purpose was not inimical to the best interests of the country?

Mr. MCGEE. Sir, I am not sure I understand that question.

Mr. KENNEDY. Did you feel that the whole time that you were working at Federal Telecommunications Laboratory that you were working in the best interests of the United States?

Mr. MCGEE. Yes, sir.

Mr. KENNEDY. And you were never requested by any member of the Communist Party to turn over material which you felt would be harmful if it got into the hands of a foreign government?

Mr. MCGEE. I have never been asked in my recollection by anybody whatsoever to turn over classified material to anyone not employed at Federal.

Senator JACKSON. Anyone not authorized to receive it?

Mr. MCGEE. Yes, sir, not authorized to receive it.

Senator JACKSON. Have you ever worked for the Federal Government?

Mr. MCGEE. Yes, sir.

Senator JACKSON. What period?

Mr. MCGEE. Just prior to my employment at Federal. I am sorry, just prior to my employment at Kollsman, which was about 3 months total.

Senator JACKSON. Where and when?

Mr. MCGEE. I worked as a civilian employee of the Signal Corps.

Senator JACKSON. Whereabouts?

Mr. MCGEE. Well, I went through a radar school at Lexington, Ky., Lexington Signal Depot.

Senator JACKSON. What year was this, and what time?

Mr. MCGEE. Let me refer to my notes.

Senator JACKSON. Approximately.

Mr. MCGEE. I am trying to give you the most accurate information I can. From about December 1942 to approximately January 1943.

Senator JACKSON. What was that again?

Mr. MCGEE. From December 1942 to January 1943, I believe I was on their payroll.

Senator JACKSON. You worked about 3 months?

Mr. MCGEE. No, sir; this was about a little over a year.

Senator JACKSON. You worked—

Mr. MCGEE. Kollsman, about 3 months.

Senator JACKSON. You worked for the Federal Government how long?

Mr. MCGEE. A little over a year.

Senator JACKSON. Were you given a security clearance?

Mr. MCGEE. I assume that I was, since all of the radar work was classified material. I must have had clearance.

Senator JACKSON. Were you a member of the Communist Party at that time?

Mr. MCGEE. I refuse to answer that on the ground of the fifth amendment.

Senator JACKSON. Did you during that period of employment turn over to anyone not authorized to receive the same any kind of classified material?

Mr. MCGEE. No, sir.

Senator JACKSON. Have you ever in your lifetime to your knowledge ever turned over any classified material to anyone not authorized to receive the same?

Mr. MCGEE. So far as I know; no, sir.

Senator JACKSON. And you understand by classified material we refer to material—

Mr. MCGEE. I understand what classified material is.

Senator JACKSON. You have a full understanding of that?

Mr. MCGEE. Yes.

Mr. KENNEDY. Did you ever do anything contrary to the laws of the United States while you were working at the Federal Telecommunications Laboratory?

Mr. MCGEE. That covers an awful lot of territory.

Mr. KENNEDY. The question stands.

Senator JACKSON. To the best of your knowledge.

(The chairman entered the room.)

Mr. MCGEE. In view of the breadth of that question I will refuse to answer under the fifth amendment.

Senator JACKSON. Do you recall of ever having done anything, either at Federal Telecommunications Laboratory or in any of your previous employment, that would be detrimental to the national security and interests of the United States?

Mr. MCGEE. Well, that is a very—

Senator JACKSON. In favor of a foreign power.

Mr. MCGEE. That is a very broad statement. I wish to call attention to the fact that I have already as clearly as I could defined espionage and said that I had no knowledge of it whatsoever. I would like to stand on that answer, sir.

Senator JACKSON. Have you given any material to an agent of a foreign power?

Mr. MCGEE. No, sir.

Senator JACKSON. Of any kind?

Mr. MCGEE. Not that I know of, sir.

Mr. COHN. I have some questions, if I may.

The CHAIRMAN. Mr. Cohn, you may proceed.

Mr. COHN. You say you never gave any of this classified material to any unauthorized person, is that right?

Mr. MCGEE. That is right.

Mr. COHN. That sounds very good. Let me come to this. You say on the other hand that Harry Hyman would walk into your office

when you had your desk spread, I think that was your term, with classified material, is that right?

Mr. MCGEE. Yes, sir.

Mr. COHN. At that time was Harry Hyman a dedicated Communist organizer?

Mr. MCGEE. I refuse to answer that on the grounds of the fifth amendment. However, I would like to say simply in relation to that, that Mr. Hyman had a pass which implied clearance to come to my office.

The CHAIRMAN. May I interrupt you? Did you know or have any reason to believe that Hyman was an espionage agent at that time?

Mr. MCGEE. No, sir.

The CHAIRMAN. Do you know that he was an espionage agent at that time?

Mr. MCGEE. I know that this committee has said so, sir.

The CHAIRMAN. That does not answer the question.

Mr. MCGEE. I do not know.

The CHAIRMAN. Do you have any reason to believe now that he was an espionage agent?

Mr. MCGEE. Only what this committee has said.

The CHAIRMAN. Outside of that, you have received no information that he was an espionage agent?

Mr. MCGEE. I have no information about any espionage agents whatsoever.

The CHAIRMAN. Do you know he was an organizer for the Communist Party?

Mr. MCGEE. Fifth amendment, sir.

Mr. COHN. Mr. Chairman, what I was trying to develop is this: You made a point here in answering questions of saying that you never gave any of this material to unauthorized persons and that sounds very good from a security standpoint.

Mr. MCGEE. I think I defined specifically what an authorized person was, and what an unauthorized person was.

Mr. COHN. Your point is that Mr. Hyman, you conceded, came into your office when your desk was spread out with classified material, and he certainly had access to it.

Mr. MCGEE. Yes, sir, and he had a pass to come there.

Mr. COHN. Your statement is that it is not your fault because he had a pass.

Mr. MCGEE. Yes, sir.

Mr. COHN. I assume you will agree with me that does not alter the fact that Mr. Hyman might have been a Communist Party organizer and dedicated to the overthrow of this Government at that time whether he had an official pass or not. Was he such an organizer at that time?

Mr. MCGEE. Organizer of what?

Mr. COHN. An organizer of the Communist Party teaching the overthrow of this Government at cell meetings at which you were present?

Mr. MCGEE. Fifth amendment.

Mr. COHN. Fifth amendment; is that right?

Mr. MCGEE. Yes.

The CHAIRMAN. At the time you say you had your desk littered with classified material, were you then a member of the Communist conspiracy?

Mr. MCGEE. I refuse to answer that on the grounds of the fifth amendment.

The CHAIRMAN. Were you the educational director of the Communist conspiracy at the time that you say you had your desk littered with classified material?

Mr. MCGEE. I refuse to answer that under the grounds of the fifth amendment.

The CHAIRMAN. On the grounds of self-incrimination?

Mr. MCGEE. Yes, sir.

Mr. COHN. Did you have your desk littered with classified material during the day and at night when you were teaching from State and Revolution, by Lenin, to a Communist cell?

Mr. MCGEE. I refuse to answer that on the grounds of the fifth amendment.

Mr. COHN. As late as the year 1952, were you going around soliciting petitions for the Peoples Rights Party which was a Communist Party at that time in New York City?

Mr. MCGEE. Soliciting?

Mr. COHN. I withdraw that. Did you sign petitions pledging support to the Peoples Rights Party and to Simon W. Gerson, a leader of the Communist Party? I am talking about the year 1952.

Mr. MCGEE. Fifth amendment.

Mr. COHN. Yes; fifth amendment.

The CHAIRMAN. Let me ask you a question. You have been invoking the fifth amendment. You understand you cannot invoke the fifth amendment on self-incrimination in case of perjury. You can only invoke that if you feel that a truthful answer to the questions might tend to incriminate you.

Is it your testimony that you feel that a truthful answer to the questions asked might tend to incriminate you?

Mr. MCGEE. Yes, sir.

The CHAIRMAN. The answer is "Yes"?

Mr. MCGEE. Yes, sir.

The CHAIRMAN. I did not hear you.

Mr. MCGEE. Yes, sir.

Mr. KENNEDY. Did you leave your desk littered with classified material?

Mr. MCGEE. What do you mean, leave it?

Mr. KENNEDY. At the end of the day was there classified material left on the top of your desk?

Mr. MCGEE. I don't think so.

Mr. KENNEDY. Were there any rules about putting classified material away?

Mr. MCGEE. The place was continually guarded day and night.

Mr. KENNEDY. That is not the answer.

Mr. MCGEE. My desk included a workbench where material was that was never put away.

Mr. KENNEDY. You left classified material on the top of your desk?

Mr. MCGEE. Units of electronic nature, they were left in a locked laboratory. Papers were never left on my desk at night.

Mr. KENNEDY. Why did Mr. Hyman have a key to your office?

Mr. MCGEE. He did not have a key, sir. There was no particular key to the door. The room was occupied by a number of engineers,

3 or 4, and in the day we would be getting out papers, working on them, and maybe run out of the laboratory to take a measurement or so and come back in and work some more on papers. That was the practice of all the engineers in the department and in the other departments, too, as I understand it.

Mr. KENNEDY. The reason was that you felt that everybody had clearance by the FBI?

Mr. McGEE. Not that I felt, they did have clearance, or they were not in there.

Mr. KENNEDY. Therefore, they were good security risks?

Mr. McGEE. The Government agency that cleared them said that they were. I don't know. I was not hired as a security agent.

Mr. KENNEDY. Did you feel you were a good security risk?

Mr. McGEE. Yes, sir.

Senator JACKSON. Mr. McGee, you have so far answered all questions relating to espionage, sabotage, and national security. Would you be willing to cooperate with the FBI in connection with any possible case they may have against anyone at the laboratory while you were there in trying to bring about an enforcement of the laws in the interests of the security of this country?

Mr. McGEE. Any information which I may unwittingly have concerning the transmission of documents of confidential nature from this country to any other foreign power I think I would be willing to answer specific questions concerning the matter.

Senator JACKSON. Let me ask you this: Would you be willing to give to the FBI any information that you may have that would help our Government in protecting its security, whether it involves the transmission of such information directly to a foreign agent or to some intermediary? Would you be willing to do that?

Mr. McGEE. I believe I would, sir; yes, sir.

Senator JACKSON. Would you cooperate in any way you can to eliminate any possible espionage, sabotage, or anything affecting the national security during the time you have been employed on anything relating to classified material?

Mr. McGEE. Let me state that I don't know that I have any such information.

Senator JACKSON. But if they asked you or interrogated you?

Mr. McGEE. As long as it is a direct—

The CHAIRMAN. May I interrupt?

Senator JACKSON. Mr. Chairman, let me finish this.

The CHAIRMAN. I did not hear the testimony. Will the reporter read the last couple of questions and answers?

(The reporter read a portion of the record as follows:)

Senator JACKSON. Let me ask you this: Would you be willing to give to the FBI any information that you may have that would help our Government in protecting its security whether it involves the transmission of such information directly to a foreign agent or to some intermediary? Would you be willing to do that?

Mr. McGEE. I believe I would, sir; yes, sir.

Senator JACKSON. Would you cooperate in any way you can to eliminate any possible espionage, sabotage or anything affecting the national security during the time you have been employed on anything relating to classified material?

Mr. McGEE. Let me state that I don't know that I have any such information.

Senator JACKSON. But if they asked you or interrogated you?

Mr. McGEE. As long as it is a direct—

Senator JACKSON. But if you have any such information, to your truthful knowledge, would you give it?

Mr. MCGEE. Yes.

Senator JACKSON. I think that is very important, and I think as a citizen you should voluntarily after this meeting go to the FBI and make available any information that you might have and let them know that you are willing to give to them any information along the lines that I have raised here.

Mr. MCGEE. I really don't think I have any information, sir. But I am certain they have representatives here. I have never refused to talk to the FBI yet.

Senator JACKSON. But suppose you voluntarily—I suggest it to you as a citizen, in view of the grave threat to our security—I suggest, and I hope you will agree to it, that you voluntarily go to the FBI and give them any information you might have as a citizen to protect the security of this country. I hope you will do that. Do you not think you can do that?

Mr. MCGEE. I really don't think I have any such information. I wouldn't know what to say.

Senator JACKSON. I know, but suppose you present yourself to them and maybe they can ask some questions that you might be helpful to the FBI in doing the job that has been assigned to them by our Government.

Mr. MCGEE. Well, sir, I am certain that the FBI knows where I am. As I say, I have been asked questions by the FBI previously, and I have given them as much information as I have.

Senator JACKSON. Do you not feel that sometimes you ought to do these things voluntarily as a citizen? At least you are not going to hurt yourself any by making a voluntary appearance.

Mr. MCGEE. I really don't know what I talked to them about, but I am willing to answer any questions they have.

Senator JACKSON. I suggest we turn this record over to the FBI.

The CHAIRMAN. You say you gave the FBI as much information as you have. Did I understand that answer?

Mr. MCGEE. Yes, when they questioned me.

The CHAIRMAN. Did they ask whether you were the educational director for the Communist Party, and did you tell them whether or not you were?

Mr. MCGEE. They asked me no such question, sir.

The CHAIRMAN. Did they ask you for the names of the members of the Communist Party?

Mr. MCGEE. They asked me no such question.

The CHAIRMAN. What did they ask you, then?

Mr. MCGEE. This was a long, long time ago, sir.

The CHAIRMAN. How long ago?

Mr. MCGEE. I think somewhere around the beginning of 1942 or 1943.

The CHAIRMAN. You have just told us you gave the FBI all the information you had. We know you refused to give the FBI any information as to the Communist conspiracy, and you are under oath. I want to ask you now, have you during the past 10 years ever given the FBI any information about—

Mr. MCGEE. No, sir.

The CHAIRMAN. About your fellow members of the Communist Party?

Mr. MCGEE. I don't recall that I have ever been asked any questions by them in the last 10 years.

The CHAIRMAN. Did you ever give them any information?

Mr. MCGEE. No.

The CHAIRMAN. You have not?

Mr. MCGEE. Not in the last 10 years that I know of.

The CHAIRMAN. Let me ask you this. You have refused to tell this committee about your activities in the Communist Party. Do I understand that if we call an FBI man down here today that you will give that FBI man all the information that you have about the Communist conspiracy?

Mr. MCGEE. That was not the question that was asked me previously.

The CHAIRMAN. It is the question now. Will you or will you not?

Mr. MCGEE. I think I am going to refuse to answer that under the fifth amendment, sir.

The CHAIRMAN. You cannot refuse to answer whether or not you would give them information. It does not deal with information. I merely ask you the question whether or not if we refer over to the Bureau, you will give them any information which you may have about the Communist conspiracy. You are ordered to answer that question.

(Witness consults his counsel.)

Mr. MCGEE. Well, sir, I will give the FBI any information which I may have with regard to espionage or sabotage or any other specific acts. I refuse to cooperate with them in witch hunting.

The CHAIRMAN. You call digging out members of the Communist conspiracy witch hunting?

Mr. MCGEE. I don't know what the Communist conspiracy is, sir.

The CHAIRMAN. You don't?

Mr. MCGEE. No, sir.

The CHAIRMAN. Look at the petition in front of you. Did you sign that?

While your counsel is looking at it, were you not educational director of the Communist conspiracy?

Mr. MCGEE. This seems to be a petition for someone to run for office in New York City.

The CHAIRMAN. For who to run? Simon Gerson, is it not?

Mr. MCGEE. Yes, sir.

The CHAIRMAN. Was he a member of the Communist conspiracy at that time when you pledged him your support?

(Witness consulted his counsel.)

Mr. MCGEE. Fifth amendment.

The CHAIRMAN. Did someone in the Communist Party ask you to sign that?

(Witness consulted his counsel.)

Mr. MCGEE. I refuse to answer under the grounds of the fifth amendment.

The CHAIRMAN. On the grounds of self-incrimination?

Mr. MCGEE. Yes, sir.

The CHAIRMAN. When you were educational director for the Communist Party, did you teach the necessity of the overthrow of the Government by force and violence?

(Witness consulted his counsel.)

Mr. MCGEE. The question contains an assumption, sir.

The CHAIRMAN. If you did not, just say so.

Mr. MCGEE. I don't know how I can answer that without telling you that I was at some time a member of the Communist Party.

The CHAIRMAN. Were you educational director?

Mr. MCGEE. I refuse to answer that under the grounds of the fifth amendment to the Constitution.

The CHAIRMAN. You told us under oath here a few minutes ago that you gave the FBI as much information as you had.

Mr. MCGEE. At the time that they asked me; yes, sir.

The CHAIRMAN. When did you give that information?

Mr. MCGEE. Again, as I recall, it was some time in 1942 or 1943.

The CHAIRMAN. At that time you told them you were not a member of the Communist Party; did you not?

Mr. MCGEE. I don't recall whether I was asked that question, sir.

The CHAIRMAN. What questions were you asked?

Mr. MCGEE. I don't recall.

The CHAIRMAN. You have no idea?

Mr. MCGEE. Look, it is a long time. I don't remember. Certainly they have a record of it and you can obtain it.

The CHAIRMAN. You told us very positively you gave them as much information as you had. You told us that under oath. You must recall something about what information you gave them. No. 1, did you tell them you were a Communist at that time?

Mr. MCGEE. I don't recall.

The CHAIRMAN. Were you a Communist at that time?

Mr. MCGEE. I refuse to answer that under the grounds of the fifth amendment.

The CHAIRMAN. How well did you know Harry Hyman?

Mr. MCGEE. I met him a number of times at union meetings and union committee meetings, and at the Federal Laboratories.

The CHAIRMAN. Did you visit him in his home?

Mr. MCGEE. I believe I have, sir, once or twice.

The CHAIRMAN. Did you attend Communist cell meetings in his home?

Mr. MCGEE. I refuse to answer that on the grounds of the fifth amendment.

The CHAIRMAN. At his home did you discuss classified material from Telecommunications?

Mr. MCGEE. No, sir.

The CHAIRMAN. Never.

Mr. MCGEE. Never.

The CHAIRMAN. Did you ever hear classified material discussed at Communist Party meetings?

Mr. MCGEE. I never heard classified material discussed at any place other than in Federal and when I was working for the Government in the proper places.

The CHAIRMAN. Did you ever discuss classified material with members of the Communist Party?

Mr. McGEE. If these people had been cleared to work with me I may have.

The CHAIRMAN. In other words, you may have discussed it with Communists who were cleared, is that the answer?

Mr. McGEE. I may have; yes, sir.

The CHAIRMAN. With cleared Communists. You say that the place was guarded day and night?

Mr. McGEE. Yes, sir.

The CHAIRMAN. Could you tell us whether it was guarded to keep the Communists in or keep them out, if you know. You were educational director of the Communist Party at the time. Harry Hyman was an espionage agent at the time. You say he had free access to your office. But the place was carefully guarded. Can you tell what they were guarding against or who they were guarding?

Mr. McGEE. I assume that they were there for the purpose of protecting the information which was lying about the place from falling into the hands of some espionage agent.

The CHAIRMAN. Do you think they were trying to keep it away from the Communists?

Mr. McGEE. I don't know, sir.

The CHAIRMAN. You were there. Do you think there was any attempt to keep the information away from the Communists?

Mr. McGEE. I really don't know.

The CHAIRMAN. You do not have any idea?

Mr. McGEE. I don't know whether the Government agencies that cleared these people knew they were Communists or espionage agents or what, but I assume that their duty was to make sure that this information did not fall into improper hands.

The CHAIRMAN. Would you consider Communist hands improper hands?

Mr. McGEE. I refuse to answer that, sir, under the grounds of the fifth amendment.

The CHAIRMAN. You cannot refuse to answer the question on the grounds of self-incrimination. You might get yourself in duteh with the Communist Party, but not otherwise. You are ordered to answer that question.

Mr. McGEE. I still refuse, sir.

The CHAIRMAN. Were you ever asked by any security officer of Telecommunications whether or not you were a Communist?

Mr. McGEE. I don't recall ever being interviewed by a security officer.

The CHAIRMAN. By any official of Telecommunications?

Mr. McGEE. Well the personal department did have a questionnaire to be filled out, and I guess it had such a question on it; yes, sir.

The CHAIRMAN. On that questionnaire did you say you were or were not a member of the Communist Party?

Mr. McGEE. I refuse to answer that on the grounds of the fifth amendment.

The CHAIRMAN. You will be ordered to answer that. That is a matter of record.

Mr. McGEE. I still refuse, sir.

The CHAIRMAN. If the Communist Party were to order you to obtain secret material for the Communist Party, would you refuse to obey that order?

Mr. McGEE. I have answered that question, sir. The answer was "No."

The CHAIRMAN. You would not refuse or you would refuse?

Mr. McGEE. I would refuse.

The CHAIRMAN. You would refuse?

Mr. McGEE. Yes, sir.

The CHAIRMAN. Have you ever refused to obey any order of the Communist Party up to this time?

Mr. McGEE. That question assumes that the Communist Party gives me orders, and therefore I refuse to answer under the grounds of the fifth amendment to the Constitution.

The CHAIRMAN. Does the Communist Party give you orders?

Mr. McGEE. I refuse to answer that.

The CHAIRMAN. You refuse to tell us whether or not you ever disobeyed an order of the Communist Party?

Mr. McGEE. Yes, sir.

The CHAIRMAN. On the ground that the answer might tend to incriminate you?

Mr. McGEE. Yes, sir.

Senator JACKSON. Has the Communist Party ever given you any orders to engage in espionage, sabotage, or anything affecting the national security while you worked on these classified projects?

Mr. McGEE. To the best of my knowledge and recollection no one has ever given me any such orders.

Senator JACKSON. Does that include the Communist Party?

Mr. McGEE. Yes, sir.

Senator JACKSON. That includes the Communist Party?

Mr. McGEE. Yes, sir.

The CHAIRMAN. May I say that you certainly have a right to ask any questions you care to, but it seems so obvious when his desk is stacked with classified material up to secret, and Harry Hyman, member of the Communist conspiracy, has free access to it, and this individual, an educational director of the Communist Party, can take it out any time he wants to, nothing can more affect the security of the United States than that.

Senator JACKSON. When he answers a question, it does not mean I agree with his answer. He is here under oath and if he says that they have never ordered him to give any information relating to sabotage, espionage, and anything on classified material, I think he is placing himself in jeopardy on the basis of perjury.

Mr. McGEE. I want to make this observation, and that is that I hope you will go all the way in making a complete break with the people that you have been with in the past. You have stated to the committee that you have not engaged in sabotage, or espionage, or anything adverse to the national security of this country. You have indicated that you would give any information that you might have on those subjects to the FBI, is that right?

Mr. McGEE. Yes, sir.

Senator JACKSON. Why can you not tell the committee today whether you are a member of the Communist Party? You have invoked the fifth amendment in the past, but can you not tell the committee today?

Mr. McGEE. I am afraid I am going to have to refuse to answer that, sir.

Senator JACKSON. You are an intelligent and well-educated man. You must be aware of the international situation today, and that the Communist movement everywhere is in the furtherance of the Soviet foreign policy, which is to dominate the world, are you not?

Mr. McGEE. I read the newspapers. I see it said there, yes, sir.

Senator JACKSON. Can there be much question but that the chief aim of the foreign policy of the Soviet Union is to dominate the free people?

Mr. McGEE. I don't know.

Senator JACKSON. I know, but you have watched world events, you have watched one country after another being gobbled up.

Mr. McGEE. I really don't know what Soviet foreign policy is. I don't know if anyone in this country does.

Senator JACKSON. Let me ask you this: Are you not aware of the fact that the Communist Party is not a local radical movement, but it is a part of an international organization under the control of the Cominform, and that it is directed by the Soviet Union?

(Witness consulted his counsel.)

Mr. McGEE. I don't know.

Senator JACKSON. You do not know. If you join an organization, do you not try to find out what the charter stands for?

Mr. McGEE. I have never said I joined it.

Senator JACKSON. I think it is pretty apparent here, Mr. McGee, that you have been a member of the Communist Party for quite some time. I am trying to encourage you as one citizen here sitting up on this end of the committee hearing for you to make a break, and I think if this hearing has accomplished nothing else, if you will be willing to cooperate and try to make this country and the free world a little more secure, you might accomplish something.

The CHAIRMAN. Let me say that this man is a paid organizer of the Communist Party today. Any hope you have that he is going to suddenly go and give the FBI information about his conspiracy is certainly a very forlorn hope. As of today he is a paid organizer for the Communist conspiracy. Is that not right?

Mr. McGEE. I would like for you to some out from behind congressional immunity and prove that.

The CHAIRMAN. Are you? Are you a paid organizer for the Communist Party today?

(Witness consulted his counsel.)

The CHAIRMAN. If you are not, here is your chance to say so.

Mr. McGEE. The answer to that question is no.

The CHAIRMAN. Are you being paid by the Communist Party as of today?

Mr. McGEE. No, sir.

The CHAIRMAN. Have you been paid during the last week?

Mr. McGEE. No, sir.

The CHAIRMAN. During the last month?

Mr. McGEE. No, sir.

The CHAIRMAN. Have you ever been a paid organizer for the Communist Party?

(Witness consulted his counsel.)

The CHAIRMAN. If you have not, just say no.

Mr. McGEE. I don't like the direction that this question is going.

The CHAIRMAN. I know you don't. Answer the question.

Mr. McGEE. Just exactly what is that question again?

The CHAIRMAN. The reporter will read it to you.

(The reporter read the question as follows:)

The CHAIRMAN. Have you ever been a paid organizer for the Communist Party?

The CHAIRMAN. May I say we give counsel the right to consult with a witness any time there is a need. It is done so you can advise him as to his legal rights. I do not like to have you sit there and coach the witness what he should say. You are there for the purpose of advising him on his legal rights. I might say it is a right that the witness does not have in any court of law or before a grand jury, so please do not abuse it by trying to tell him what to say.

Mr. McGEE. He was giving me advice, sir.

The CHAIRMAN. What is your answer to that question?

Mr. McGEE. On advice of counsel, I am going to refuse to answer that question on the grounds of the fifth amendment to the Constitution.

The CHAIRMAN. Do you feel that your answer might tend to incriminate you?

Mr. McGEE. It might in some way tend to incriminate me.

The CHAIRMAN. You told me you would like to have me prove you were an organizer.

Mr. McGEE. Yes, sir.

The CHAIRMAN. When you refuse to answer, and tell us that you feel a truthful answer—wait a minute, Mr. Counsel—would tend to incriminate you, that is saying you were an organizer. If you were not, you merely say "No, I was never an organizer of the Communist Party."

I will again give you an opportunity to clear yourself of that, if you have not been an organizer. The question is, Have you been an organizer for the Communist Party?

(Witness consulted his counsel.)

Mr. McGEE. Well, sir, the question which you asked me originally and I challenged you to prove or come out from behind congressional immunity and make the statement was that I am a paid organizer of the Communist Party today. I answered that question "No," and you asked last week, and so forth, and I said "No."

The CHAIRMAN. Have you been an organizer for the Communist Party?

Mr. McGEE. On that question I am going to refuse to answer your question on the grounds of the fifth amendment.

The CHAIRMAN. Do you feel that a truthful answer might tend to incriminate you?

Mr. McGEE. Yes, sir.

The CHAIRMAN. Have you solicited people in Telecommunications and asked them to join the Communist Party?

Mr. McGEE. I refuse to answer that question on the ground of the fifth amendment to the Constitution.

The CHAIRMAN. Were you ever on the payroll of the Communist Party?

(Witness consulted his counsel.)

Mr. MCGEE. I refuse to answer on the ground of the fifth amendment.

The CHAIRMAN. Look, Mister, you have challenged us to prove that you are a paid organizer as of today. We know you have been a paid functionary of the Communist Party, that you are educational director, that you have tried to recruit people into the party; if you broke at some time, if you changed your mind 6 months or a year ago, I would like to know that. You see, I cannot follow you from day to day. When we say you are a paid functionary as of today, in our book that means that all the information shows that you have been, no indication you have ever reformed or ever changed your mind. If you have suddenly reformed, I would like to know about that.

In that connection, let me ask you a question. Are you a Communist today?

Mr. MCGEE. I refuse to answer that question, sir.

The CHAIRMAN. In answering Senator Jackson's question I got the impression that you were attempting to create the impression that you would cooperate with the FBI. Let me ask you this: Will you be willing to give the FBI any information which you might have about the Communist Party and membership in it.

Mr. MCGEE. I think I stated before, sir, that I was unwilling to cooperate in witch hunting.

The CHAIRMAN. I am not talking about witches. I am talking about members of the Communist conspiracy.

Mr. MCGEE. Conspiracy to do what?

The CHAIRMAN. If you consider hunting Communists hunting witches, all right. You can call them witches if you like. The question is, Will you give the FBI any information that you may have about members of the Communist conspiracy?

Mr. MCGEE. I think I have answered that, sir.

The CHAIRMAN. The answer is "Yes" or "No"? What is the answer?

Mr. MCGEE. What is the exact question?

The CHAIRMAN. I will repeat it for you. Are you willing today to give the FBI any information which you might have about membership in the Communist Party on the part of any individuals, especially those working in Government?

Mr. MCGEE. Well, I haven't been in contact with anybody in Government for so long that I am quite certain that any information I have would not be of any value.

The CHAIRMAN. Answer the question.

Mr. MCGEE. I refuse to engage in witch hunting, sir.

The CHAIRMAN. All right. Answer the question.

Mr. MCGEE. What question?

The CHAIRMAN. The question that was just asked.

Mr. MCGEE. Will I give information concerning Communist Party membership to the FBI? No, sir.

The CHAIRMAN. You will not?

Mr. MCGEE. No, sir.

The CHAIRMAN. I knew you were trying to create the impression in answer to Senator Jackson's questions that you would, and I think Senator Jackson asked very good questions along that line.

Mr. McGEE. Let me repeat what I said to Senator Jackson.

The CHAIRMAN. There is no question about it. As of today, is this correct, No. 1, you are a member of the Communist conspiracy; No. 2, you will not give any information about membership in that conspiracy to any Government agency? Is that a fair recap of your position?

Mr. McGEE. No, sir.

The CHAIRMAN. All right. Wherein have I stated your position incorrectly?

Mr. McGEE. I have agreed to give any information which I may have regarding espionage and sabotage to anybody that desires it.

Mr. KENNEDY. You said that you would give information on espionage and sabotage to the FBI.

Mr. McGEE. Yes, sir.

Mr. KENNEDY. Will you give the information to the FBI of the names of the individuals who you know advocate the forceful overthrow of the Government?

(Witness consulted his counsel.)

Mr. McGEE. I have to refuse to answer that question.

Mr. KENNEDY. Do you believe that advocating the forceful overthrow of the Government of the United States can be espionage or sabotage?

Mr. McGEE. I don't know the exact meaning of those words. It might possibly be.

Mr. KENNEDY. You said that you were going to turn over to the FBI any information that they wanted to know on espionage and sabotage.

(Witness consulted his counsel.)

The CHAIRMAN. Mr. Kennedy, I would be glad to order the witness to answer your question if you care to, because he has waived any fifth amendment privileges on that question.

Mr. McGEE. I don't know that this is espionage or sabotage. I think those are legally defined terms. Legally defined terms of espionage, transmission of classified information to a foreign power, or sabotage, certainly I am willing to give these things.

The CHAIRMAN. Mr. Kennedy has asked you a very simple question. He asked you whether or not you would be willing to give the FBI the names of any individuals who were known to you to advocate the overthrow of this Government by force and violence. You have refused to answer that question. You are now ordered to answer that question.

Senator JACKSON. For your information, too, my question was pretty broad previously. It not only involved sabotage and espionage, but I said also the national security of the country. So the question put to you and to which you responded in the affirmative embraced not only your willingness to give information on sabotage, espionage, but also, I think the record will disclose, anything affecting the national security of the country.

Mr. McGEE. I don't know everything that might possibly affect the national security of the country.

Mr. KENNEDY. Mr. McGee, you agreed that advocating the forceful overthrow of the Government affects the national security of the Government.

(Witness consulted his attorney.)

Mr. McGEE. I am going to refuse to answer that question on the grounds of the fifth amendment.

Mr. KENNEDY. Mr. McGee, you said that you did not know about any espionage that has been committed in this country; is that right?

Mr. McGEE. That is right.

Mr. KENNEDY. And you do not know anything about any sabotage?

Mr. McGEE. I don't knowingly know it. I may have information, but I don't know anything or recall anything.

Mr. KENNEDY. You will not tell the FBI any information you have about anyone advocating the forceful overthrow of the Government; is that right?

Mr. McGEE. That is right.

Mr. KENNEDY. Then do you think it is going to a fruitful discussion between you and the FBI?

Mr. McGEE. I told you I had no idea—

Mr. KENNEDY. Excuse me.

Mr. McGEE. I think I told the other Senator that I did not have knowingly any such information. I didn't know what I would talk to them about. I think I indicated then I didn't think it would be very fruitful.

Mr. KENNEDY. What if an FBI agent feels that he has some information about somebody advocating the forceful overthrow of the Government and feels that is espionage; will you answer his questions about that individual?

Mr. McGEE. I don't think legally that is espionage.

Mr. KENNEDY. You are going to have the definition. You are going to make your own definition of it.

Mr. McGEE. I am taking advice from my lawyer on this.

Mr. KENNEDY. That is not the answer, Mr. McGee. You have to give your own answer and not the lawyer's.

Mr. McGEE. When it comes to legal definitions, I have to defer to my lawyer. I don't know the legal definitions. My lawyer probably does.

The CHAIRMAN. I think it is very clear from what he says that he says he does not knowingly know about espionage and sabotage. What that means I do not know. He can give the FBI information which he does not have.

Mr. McGEE. You asked me for instance—

The CHAIRMAN. Let me finish my question. But you will not give the FBI or anyone else any information about anyone whom you know who advocates the overthrow of this Government by force and violence.

Mr. McGEE. Can I make a statement with regard to that, sir? I think anybody that advocates the overthrow of the United States Government by force and violence belongs in a booby hatch.

Senator JACKSON. How should you do it? In a subtle subversive way?

Mr. McGEE. There are a few things about the Constitution of the United States which I have advocated need to be changed. For instance, I believe the President should be elected by direct popular vote. There is certainly provision in the Constitution for making these changes.

Mr. KENNEDY. I just have a couple of more questions.

Mr. McGEE. It doesn't have to be done by bloody revolution.

Senator JACKSON. You have read the manifesto, have you, the Communist Manifesto?

(Witness consulted his counsel.)

Mr. McGEE. I am going to plead the fifth amendment on that, sir.

Senator JACKSON. A lot of people may have read the Communist Manifesto. Have you read any of Karl Marx's teachings, *Das Kapital*?

Mr. McGEE. I started to once.

Senator JACKSON. Did you finish it?

Mr. McGEE. No, sir.

Senator JACKSON. What discouraged you from finishing it?

Mr. McGEE. Three very large and very difficult volumes of that work, sir.

Senator JACKSON. Have you read anything on dialectical materialism?

Mr. McGEE. I think I am going to refuse to answer that question, sir.

Senator JACKSON. You do not mind commenting on *Das Kapital*, but you would rather not say what you got out of dialectical materialism?

Mr. McGEE. I don't know. I think that is a kind of broad question. I don't know exactly what you mean by dialectical materialism.

Senator JACKSON. You know what the teachings of the Communist Party are?

Mr. McGEE. Do I?

Senator JACKSON. I have asked the question.

Mr. McGEE. Do I?

Senator JACKSON. Yes.

Mr. McGEE. I refuse to answer that question, sir.

Senator JACKSON. Have you read any of Lenin's teachings?

Mr. McGEE. Fifth amendment.

The CHAIRMAN. You cannot invoke the fifth amendment on whether you read Lenin. You can invoke the fifth amendment whether you taught Marxism and Leninism. There is no crime to read *Das Kapital*, Red Leninism, or anything else you want to read. The question is where or not you have taught the Marx-Lenin line. So you will be ordered to answer Senator Jackson's question.

(Witness consulted his counsel.)

Mr. McGEE. Well, sir, I heard you have some very—

The CHAIRMAN. Just a minute. I think counsel makes a point. In view of the fact that you refuse to answer the question if you read these works in connection with a Communist training course, you would be entitled to refuse to answer.

Mr. McGEE. My grounds for refusing to answer are slightly different, sir. With your permission I would like to state them.

The CHAIRMAN. You may state them.

Mr. McGEE. My lawyer informs me you have some peculiar ideas of what constitutes a waiver of privilege. I do not wish to waive my privileges to use the fifth amendment, and therefore I am going to have to refuse to answer this question.

The CHAIRMAN. If Senator Jackson wants the question answered, I will order it answered. The reading of those works does not incriminate you.

I may say I have read them myself very carefully.

Mr. MCGEE. Every time I take the fifth amendment, you conclude that the answer is yes, anyhow, so I don't know——

Senator JACKSON. Independent of any teaching, have you read any of the books or works that I referred to previously? I think you can answer that.

Mr. MCGEE. I have read a very large number of books in my lifetime, and some of them may have been books which Senator McCarthy would call Communist.

Senator JACKSON. Have you read Lenin's works?

Mr. MCGEE. I may have read something that he has written at some time or other.

Senator JACKSON. You know in his teachings he advocates the forceful overthrow of the government as the main overall objective of the Communist Party throughout the world; is that not right? Referring now to what he says in his works. I am not asking you as yet for your opinion. I am asking you to state whether or not that is in his works, his teachings.

Mr. MCGEE. I don't consider myself to be an expert on the subject.

Senator JACKSON. I did not ask you that. You have read his works. Is it not a fact that in his teachings he advocated as the ultimate objective of the Communist Party the forceful overthrow of the government or the governments of the world? I am not asking your opinion. I am asking you if you have read them and I gather that you have.

Mr. MCGEE. I don't know. My experience with this stuff is that different people reading the same thing come to different conclusions. For example, I would like to——

Senator JACKSON. Wait a minute. The language in his works I think is not what you call equivocal or ambiguous. I think it is pretty direct.

Mr. MCGEE. Which language is that sir, Russian, German, French, what?

Senator JACKSON. You know that Lenin's teachings are in the English language as many others; is that not right?

Mr. MCGEE. Which work are you referring to, sir?

Senator JACKSON. I am talking about all of his works. Have you read State and Revolution?

Mr. MCGEE. I refuse to answer that, sir.

Senator JACKSON. Is it not a matter of fact that you did teach State and Revolution at one time?

Mr. MCGEE. I still refuse to answer.

Senator JACKSON. You can answer these questions whether you in fact have read it. I think you must have been on notice that the Communist Party historically and right on down to date, despite the many variations in temporary policy, their overall objective has been a continuous one, the ultimate and violent overthrow of governments everywhere; is that not right?

Mr. MCGEE. Sir, could I give you some information which you possibly don't have?

Senator JACKSON. There is a lot of information I do not have.

Mr. MCGEE. Concerning this very subject.

Senator JACKSON. I think you can just answer the question. We will go on forever if you are going to review one of your lectures.

Mr. MCGEE. I will tell you there are people who have read these same works and come to violent disagreement with each other.

Senator JACKSON. Are you a philosophical Communist, if there is such?

Mr. MCGEE. I don't know what a philosophical Communist is, but I am still going to refuse to answer that, sir.

Senator JACKSON. You are not a violent Communist; is that it?

Mr. MCGEE. If you mean do I advocate the violent overthrow of the United States Government, the answer to that is "No; I don't."

Senator JACKSON. Have you ever?

Mr. MCGEE. No, sir.

The CHAIRMAN. Have you ever taught the necessity of the violent overthrow of the United States Government?

(Witness consulted his counsel.)

Mr. MCGEE. No, sir; I haven't. I don't think I have ever been that crazy.

The CHAIRMAN. Did you ever use Lenin's writings, State and Revolution, as a textbook in any class you ever taught?

Mr. MCGEE. I refuse to answer that on the ground of the fifth amendment.

The CHAIRMAN. You will be ordered to answer that.

Mr. MCGEE. I still refuse.

The CHAIRMAN. Just so you cannot claim ignorance of what transpired, you have stated that you never taught the violent overthrow of the United States Government. The question now is whether or not you ever used this work of Lenin which does so advocate, State and Revolution, in teaching classes. You have no fifth amendment as far as this question is concerned. You have waived it with the answer to the last question.

Mr. MCGEE. I told you you had some peculiar ideas about waiver and here you are again.

The CHAIRMAN. Do you still refuse to answer?

Mr. MCGEE. Yes, sir.

Mr. COHN. I just wanted to ask you one thing, Mr. McGee. In some of these ideas you were suggesting before for the revision of the United States Constitution, would you believe in retaining the fifth amendment under the revised Constitution?

Mr. MCGEE. I believe in retaining the whole Bill of Rights.

Mr. COHN. Including the fifth amendment.

Mr. MCGEE. Including the fifth amendment.

The CHAIRMAN. You are ordered to answer one question asked by Mr. Kennedy previously, and I believe there was an interruption at that time. You had stated that you would give to the FBI any information which you had concerning the national security. Mr. Kennedy then asked you the question whether or not you would give the FBI any information which you might have with regard to individuals who advocated the overthrow of this Government by force and violence. You refused to answer that. You were ordered to answer it. To have the record clear do you still persist in that refusal?

Mr. MCGEE. After due consideration of this, no, I won't give that answer.

The CHAIRMAN. You refuse?

Mr. MCGEE. No, I am answering the question. The answer is "No."

The CHAIRMAN. That you will not give that information to the FBI.

Mr. MCGEE. Yes, sir.

The CHAIRMAN. Do you consider that a threat to the national security? In other words, do you consider that individuals who advocate the overthrow of this Government by a bloody revolution would be a threat to our national security?

Mr. MCGEE. Well, I don't know whether I have my counsel's approval on this answer, but I would like to say that I consider all such people to be insane, and I don't think that they constitute any threat to this Government at all.

The CHAIRMAN. You advocate bringing communism to power by peaceful means?

Mr. MCGEE. I refuse to answer that on the grounds of the fifth amendment.

The CHAIRMAN. Do you advocate bringing communism to power by means of a bloody revolution?

Mr. MCGEE. No, sir. I do not advocate the overthrow of this Government by force or violence.

The CHAIRMAN. Do you advocate its overthrow by peaceful means?

Mr. MCGEE. I don't know what overthrow constitutes, sir. Maybe it would be the election of a Democrat to the Presidency. That I do advocate.

The CHAIRMAN. Do you have any brothers or sisters who work in the Government or in any defense plants?

Mr. MCGEE. I have no brothers or sisters.

The CHAIRMAN. Are you married?

Mr. MCGEE. Yes, sir.

The CHAIRMAN. Does your wife have any brothers or sisters who work in either the Government or any defense plants?

Mr. MCGEE. Well, she has a brother who is in Detroit. I don't know what he does, sir. I believe that he is a heating engineer.

The CHAIRMAN. You do not know whether he works on defense work or not?

Mr. MCGEE. I don't know.

The CHAIRMAN. What is his name?

Mr. MCGEE. Garni Moretti.

The CHAIRMAN. Is he a Communist, if you know?

Mr. MCGEE. I haven't the slightest idea. I never discussed politics with him.

The CHAIRMAN. Is your wife a member of the Communist Party? (Witness consulted his counsel.)

The CHAIRMAN. You need not give us any information which you learned from her—

Mr. MCGEE. I refuse to give any information about my wife—

The CHAIRMAN. Please let me finish. You need not give us any information which you learned from her while no one else was present. You are entitled to refuse on the ground of the marital privilege. So when I ask you this question and ask you if you know whether or not she is a Communist, the information must have been coming to you while others were present.

Mr. MCGEE. I am going to refuse to answer that on the ground of the fifth amendment.

The CHAIRMAN. All right, you may step down.

Mr. McGEE. Are you through with me, sir?

The CHAIRMAN. We are through with your testimony; let us put it that way.

Mr. Gragis, will you resume the stand?

TESTIMONY OF PETER A. GRAGIS—Resumed

Mr. GRAGIS. Yes, sir.

Senator JACKSON. Did you engage in any espionage or sabotage while working on any classified work?

Mr. GRAGIS. Senator Jackson, I did not ever take any classified documents, I didn't take any type of documents whether they were classified, marked as such or were not. I never took any of those documents out. I had no remembrance—and if I had a remembrance I would admit it now—I have no remembrance of anyone whether it was Hyman, McGee, or anyone else in the cell to which I belonged—

Senator JACKSON. Just to the best of your knowledge.

Mr. GRAGIS. That is right. Furthermore, I would like to say I didn't even see cameras around so that I can say somebody was doing it.

Senator JACKSON. You do not always have to have cameras.

Mr. GRAGIS. If I had seen a camera around I might have suspected somebody might have been taking pictures.

Senator JACKSON. Let me ask you this simple question. Did you at any time turn over classified material—do you know what I mean by classified material?

Mr. GRAGIS. Yes, sir.

Senator JACKSON. Did you ever turn over classified material to any unauthorized person?

Mr. GRAGIS. Well, I have no recollection of it. The way I worked, I worked on my drawings and submitted them to my supervisor, and he would take them back. That is the way it went. I didn't take drawings and give them to anybody else, and I presume he was authorized.

Senator JACKSON. You thought he was authorized?

Mr. GRAGIS. Yes.

Senator JACKSON. Did you give any classified material to anyone outside of the plant that you were working with?

Mr. GRAGIS. No, sir, that I never did.

Senator JACKSON. You were employed up until 1950?

Mr. GRAGIS. That is right, sir.

Senator JACKSON. And you were dismissed for what reason?

Mr. GRAGIS. My remembrance of that is quite clear, and I also remember it was a bit different from the dismissal of Mr. McGee. My severance came about this way. There were two gentlemen that came in from the Air Materiel Command at Wright Field, I believe, and they delivered these papers to me, and they said it was of what they were supposed to do, to see that I got it. They didn't withhold any reasons. They came out and stated pointedly that I had been acknowledged as a Communist, and therefore I was to be denied access to any classified material.

The CHAIRMAN. May I interrupt, Senator Jackson. We will have this witness back Wednesday at 10:30 in the morning. The other five

witnesses who were called for today will return Wednesday morning at 10:30 at which time the public phase of the hearing will be continued.

Senator JACKSON. Mr. Chairman, I have just two more questions I want to ask. He stepped down before.

The CHAIRMAN. He will be back again, because he will identify four other Communists who are here, including a defense worker. If there are two questions, go ahead and ask them.

Senator JACKSON. This is cross-examination on the questions he brought out. I just want to ask him whether or not Mr. Hyman or Mr. McGee to your knowledge ever engaged in espionage, sabotage or anything inimical to national security?

Mr. GRAGIS. To my knowledge, no, Senator Jackson.

Senator JACKSON. You have no knowledge?

Mr. GRAGIS. No, I don't say it couldn't have been possible. It is possible but to my knowledge, no.

Senator JACKSON. Did you ever hear of it in the plant?

Mr. GRAGIS. No.

Senator JACKSON. Or at Communist meetings?

Mr. GRAGIS. No.

Senator JACKSON. Was espionage, sabotage or the procurement of material from the establishments that you worked in discussed?

Mr. GRAGIS. No.

Senator JACKSON. To give it to any unauthorized person?

Mr. GRAGIS. No. You must understand our meetings did not come once a week. They would come once in 3 months or so, but during all that period of time, no. When I was there nobody ever asked me and I never heard any talk on it.

The CHAIRMAN. In other words, you yourself were not part of an espionage ring?

Mr. GRAGIS. That is right.

The CHAIRMAN. You were a member of the Communist Party?

Mr. GRAGIS. That is right.

The CHAIRMAN. But you were never assigned to any espionage or sabotage?

Mr. GRAGIS. That is right.

The CHAIRMAN. Could you shed any light on this? Harry Hyman who was working there at the time you were there has been named as an espionage agent.

Mr. GRAGIS. Yes.

The CHAIRMAN. Do you know anything about that?

Mr. GRAGIS. In fact, I have a complete report of that committee hearing right here. I have read it. All that is completely new to me, and it actually shocks me.

The CHAIRMAN. So that you, yourself, personally, had nothing to do with any espionage operation in the plant?

Mr. GRAGIS. No. I have read the case a couple of times and it was all new information to me and it shocked me.

The CHAIRMAN. Let me ask you this. If a man were a member of the Communist Party—

Mr. GRAGIS. Yes, sir.

The CHAIRMAN. Under Communist discipline—

Mr. GRAGIS. Yes, sir.

The CHAIRMAN. And if he were ordered to perform any act, such as espionage, sabotage and refused to perform that act, would he be expelled from the party?

Mr. GRAGIS. I believe so. I might not have believed that 5 years or so ago. But I believe today that he would definitely if he received instructions from party organizers up at the top gladly submit whatever information they wanted.

The CHAIRMAN. I hate to impose on your time more, but I am afraid we will have to. There are 4 people in the audience, 4 witnesses who will have to be identified. I want them here, and you here, when they are identified. So will you return Wednesday at 10:30 in the morning?

Mr. GRAGIS. Senator, I won't have a job. I will be unemployed, so it is perfectly all right to call me down.

The CHAIRMAN. We will talk to your employer about that.

Mr. GRAGIS. Yes; but he doesn't have any work. He has very little work even as it is. So you can't do anything on that score. I found there is some truth in this for the last 3 or 4 years. If you find him employment, I am sure he will give me a raise.

The CHAIRMAN. Your testimony is extremely important. The counsel will discuss it with you and we will make some arrangements whereby you can appear without endangering your job. Will you see Mr. Cohn.

Mr. GRAGIS. Thank you.

(Thereupon, at 12:25 p. m., a recess was taken until Wednesday, March 10, 1954, at 10:30 a. m.)

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